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106TH CONGRESS
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S. 1076

[Report No. 106–122]

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 1999

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JULY 27, 1999

Reported by Mr. SPECTER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Veterans Benefits Act of 1999”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

Sec. 101. Short title.

Sec. 102. Increase in rates of disability compensation and dependency and in-
 demnity compensation.

Sec. 103. Publication of adjusted rates.

Subtitle B—Compensation Rate Amendments

Sec. 111. Disability compensation.

Sec. 112. Additional compensation for dependents.

Sec. 113. Clothing allowance for certain disabled veterans.

Sec. 114. Dependency and indemnity compensation for surviving spouses.

Sec. 115. Dependency and indemnity compensation for children.

Sec. 116. Effective date.

TITLE II—EDUCATIONAL BENEFITS

Sec. 201. Short title.

Sec. 202. Increase in basic benefit of active duty educational assistance.

Sec. 203. Increase in rates of survivors and dependents educational assistance.

Sec. 204. Eligibility of members of the Armed Forces to withdraw elections not
 to receive Montgomery GI Bill basic educational assistance.

Sec. 205. Accelerated payments of basic educational assistance.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 301. Adult day health care.

Sec. 302. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

Sec. 311. Disposal of Department of Veterans Affairs real property.

Sec. 312. Extension of enhanced-use lease authority.

Subtitle C—Homeless Veterans

- Sec. 321. Extension of program of housing assistance for homeless veterans.
- Sec. 322. Homeless veterans comprehensive service programs.
- Sec. 323. Authorizations of appropriations for homeless veterans' reintegration projects.
- Sec. 324. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

- Sec. 331. Treatment and services for drug or alcohol dependency.
- Sec. 332. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
- Sec. 333. Extension of certain Persian Gulf War authorities.
- Sec. 334. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Subtitle E—Major Medical Facility Projects Construction Authorization

- Sec. 341. Authorization of major medical facility projects.

TITLE IV—OTHER BENEFITS MATTERS

- Sec. 401. Payment rate of certain burial benefits for certain Filipino veterans.
- Sec. 402. Extension of authority to maintain a regional office in the Republic of the Philippines.
- Sec. 403. Extension of Advisory Committee on Minority Veterans.
- Sec. 404. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
- Sec. 405. Clarification of veterans employment opportunities.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

- Sec. 501. Short title.
- Sec. 502. Persons eligible for burial in Arlington National Cemetery.
- Sec. 503. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

- Sec. 511. Short title.
- Sec. 512. Fund raising by American Battle Monuments Commission for World War II memorial.
- Sec. 513. General authority of American Battle Monuments Commission to solicit and receive contributions.
- Sec. 514. Intellectual property and related items.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 601. Staggered retirement of judges.
- Sec. 602. Recall of retired judges.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

7 **TITLE I—COMPENSATION COST-**
 8 **OF-LIVING ADJUSTMENT**

9 **Subtitle A—Compensation Cost-of-**
 10 **Living-Adjustment**

11 **SEC. 101. SHORT TITLE.**

12 This subtitle may be cited as the “Veterans’ Com-
 13 pensation Cost-of-Living Adjustment Act of 1999”.

14 **SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSA-**
 15 **TION AND DEPENDENCY AND INDEMNITY**
 16 **COMPENSATION.**

17 (a) **RATE ADJUSTMENT.**—The Secretary of Veterans
 18 Affairs shall, effective on December 1, 1999, increase the
 19 dollar amounts in effect for the payment of disability com-
 20 pensation and dependency and indemnity compensation by
 21 the Secretary, as specified in subsection (b).

22 (b) **AMOUNTS TO BE INCREASED.**—The dollar
 23 amounts to be increased pursuant to subsection (a) are
 24 the following:

1 (1) COMPENSATION.—Each of the dollar
2 amounts in effect under section 1114 of title 38,
3 United States Code.

4 (2) ADDITIONAL COMPENSATION FOR DEPEND-
5 ENTS.—Each of the dollar amounts in effect under
6 sections 1115(1) of such title.

7 (3) CLOTHING ALLOWANCE.—The dollar
8 amount in effect under section 1162 of such title.

9 (4) NEW DIC RATES.—The dollar amounts in
10 effect under paragraphs (1) and (2) of section
11 1311(a) of such title.

12 (5) OLD DIC RATES.—Each of the dollar
13 amounts in effect under section 1311(a)(3) of such
14 title.

15 (6) ADDITIONAL DIC FOR SURVIVING SPOUSES
16 WITH MINOR CHILDREN.—The dollar amount in ef-
17 fect under section 1311(b) of such title.

18 (7) ADDITIONAL DIC FOR DISABILITY.—The
19 dollar amounts in effect under sections 1311(c) and
20 1311(d) of such title.

21 (8) DIC FOR DEPENDENT CHILDREN.—The
22 dollar amounts in effect under sections 1313(a) and
23 1314 of such title.

24 (c) DETERMINATION OF INCREASE.—(1) The in-
25 crease under subsection (a) shall be made in the dollar

1 amounts specified in subsection (b) as in effect on Novem-
 2 ber 30, 1999.

3 (2) Except as provided in paragraph (3), each such
 4 amount shall be increased by the same percentage as the
 5 percentage by which benefit amounts payable under title
 6 II of the Social Security Act (42 U.S.C. 401 et seq.) are
 7 increased effective December 1, 1999, as a result of a de-
 8 termination under section 215(i) of such Act (42 U.S.C.
 9 415(i)).

10 (3) Each dollar amount increased pursuant to para-
 11 graph (2) shall, if not a whole dollar amount, be rounded
 12 down to the next lower whole dollar amount.

13 (d) SPECIAL RULE.—The Secretary may adjust ad-
 14 ministratively, consistent with the increases made under
 15 subsection (a), the rates of disability compensation pay-
 16 able to persons within the purview of section 10 of Public
 17 Law 85–857 (72 Stat. 1263) who are not in receipt of
 18 compensation payable pursuant to chapter 11 of title 38,
 19 United States Code.

20 **SEC. 103. PUBLICATION OF ADJUSTED RATES.**

21 At the same time as the matters specified in section
 22 215(i)(2)(D) of the Social Security Act (42 U.S.C.
 23 415(i)(2)(D)) are required to be published by reason of
 24 a determination made under section 215(i) of such Act
 25 during fiscal year 2000, the Secretary of Veterans Affairs

1 shall publish in the Federal Register the amounts specified
 2 in subsection (b) of section 102, as increased pursuant to
 3 that section.

4 **Subtitle B—Compensation Rate** 5 **Amendments**

6 **SEC. 111. DISABILITY COMPENSATION.**

7 (a) INCREASE IN RATES.—Section 1114 is
 8 amended—

9 (1) by striking “\$95” in subsection (a) and in-
 10 serting “\$96”;

11 (2) by striking “\$182” in subsection (b) and in-
 12 serting “\$184”;

13 (3) by striking “\$279” in subsection (c) and in-
 14 serting “\$282”;

15 (4) by striking “\$399” in subsection (d) and in-
 16 serting “\$404”;

17 (5) by striking “\$569” in subsection (e) and in-
 18 serting “\$576”;

19 (6) by striking “\$717” in subsection (f) and in-
 20 serting “\$726”;

21 (7) by striking “\$905” in subsection (g) and in-
 22 serting “\$916”;

23 (8) by striking “\$1,049” in subsection (h) and
 24 inserting “\$1,062”;

1 (9) by striking “\$1,181” in subsection (i) and
 2 inserting “\$1,196”;

3 (10) by striking “\$1,964” in subsection (j) and
 4 inserting “\$1,989”;

5 (11) by striking “\$2,443” and “\$3,426” in sub-
 6 section (k) and inserting “\$2,474” and “\$3,470”,
 7 respectively;

8 (12) by striking “\$2,443” in subsection (l) and
 9 inserting “\$2,474”;

10 (13) by striking “\$2,694” in subsection (m)
 11 and inserting “\$2,729”;

12 (14) by striking “\$3,066” in subsection (n) and
 13 inserting “\$3,105”;

14 (15) by striking “\$3,426” each place it appears
 15 in subsections (o) and (p) and inserting “\$3,470”;

16 (16) by striking “\$1,471” and “\$2,190” in sub-
 17 section (r) and inserting “\$1,490” and “\$2,218”,
 18 respectively; and

19 (17) by striking “\$2,199” in subsection (s) and
 20 inserting “\$2,227”.

21 (b) SPECIAL RULE.—The Secretary of Veterans Af-
 22 fairs may authorize administratively, consistent with the
 23 increases specified in this section, the rates of disability
 24 compensation payable to persons within the purview of
 25 section 10 of Public Law 85–857 who are not in receipt

1 of compensation payable pursuant to chapter 11 of title
2 38, United States Code.

3 **SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.**

4 Section 1115(1) is amended—

5 (1) by striking “\$114” in clause (A) and insert-
6 ing “\$115”;

7 (2) by striking “\$195” in clause (B) and insert-
8 ing “\$197”;

9 (3) by striking “\$78” in clause (C) and insert-
10 ing “\$79”;

11 (4) by striking “\$92” in clause (D) and insert-
12 ing “\$93”;

13 (5) by striking “\$215” in clause (E) and insert-
14 ing “\$217”; and

15 (6) by striking “\$180” in clause (F) and insert-
16 ing “\$182”.

17 **SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED**
18 **VETERANS.**

19 Section 1162 is amended by striking “\$528” and in-
20 serting “\$534”.

21 **SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION**
22 **FOR SURVIVING SPOUSES.**

23 (a) NEW LAW RATES.—Section 1311(a) is
24 amended—

1 (1) by striking “\$850” in paragraph (1) and in-
 2 serting “\$861”; and

3 (2) by striking “\$185” in paragraph (2) and in-
 4 serting “\$187”.

5 (b) OLD LAW RATES.—The table in subsection (a)(3)
 6 is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$861	W-4	\$1,030
E-2	861	O-1	909
E-3	861	O-2	940
E-4	861	O-3	1,004
E-5	861	O-4	1,062
E-6	861	O-5	1,170
E-7	890	O-6	1,318
E-8	940	O-7	1,424
E-9	1,980	O-8	1,561
W-1	909	O-9	1,672
W-2	946	O-10	21,834
W-3	974		

“1If the veteran served as sergeant major of the Army; senior enlisted advisor of the Navy; chief master sergeant of the Air Force; sergeant major of the Marine Corps; or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be \$1,057.

“2If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be \$1,966.”.

7 (c) ADDITIONAL DIC FOR CHILDREN.—Section
 8 1311(b) is amended by striking “\$215” and inserting
 9 “\$217”.

10 (d) AID AND ATTENDANCE ALLOWANCE.—Section
 11 1311(e) is amended by striking “\$215” and inserting
 12 “\$217”.

13 (e) HOUSEBOUND RATE.—Section 1311(d) is amend-
 14 ed by striking “\$104” and inserting “\$105”.

1 **SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION**
 2 **FOR CHILDREN.**

3 (a) DIC FOR ORPHAN CHILDREN.—Section 1313(a)
 4 is amended—

5 (1) by striking “\$361” in paragraph (1) and in-
 6 serting “\$365”;

7 (2) by striking “\$520” in paragraph (2) and in-
 8 serting “\$526”;

9 (3) by striking “\$675” in paragraph (3) and in-
 10 serting “\$683”; and

11 (4) by striking “\$675” and “\$132” in para-
 12 graph (4) and inserting “\$683” and “\$133”, respec-
 13 tively.

14 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT
 15 CHILDREN.—Section 1314 is amended—

16 (1) by striking “\$215” in subsection (a) and in-
 17 serting “\$217”;

18 (2) by striking “\$361” in subsection (b) and in-
 19 serting “\$365”; and

20 (3) by striking “\$182” in subsection (c) and in-
 21 serting “\$184”.

22 **SEC. 116. EFFECTIVE DATE.**

23 The amendments made by this subtitle shall take ef-
 24 fect on November 30, 1999.

TITLE II—EDUCATIONAL BENEFITS

SEC. 201. SHORT TITLE.

This title may be cited as the “All-Volunteer Force Educational Assistance Programs Improvements Act of 1999”.

SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking “\$528” and inserting “\$600”; and

(2) in subsection (b)(1), by striking “\$429” and inserting “\$488”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 203. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “\$485” and inserting
3 “\$550”;

4 (B) by striking “\$365” and inserting
5 “\$414”; and

6 (C) by striking “\$242” and inserting
7 “\$274”;

8 (2) in subsection (a)(2), by striking “\$485” and
9 inserting “\$550”;

10 (3) in subsection (b), by striking “\$485” and
11 inserting “\$550”; and

12 (4) in subsection (c)(2)—

13 (A) by striking “\$392” and inserting
14 “\$445”;

15 (B) by striking “\$294” and inserting
16 “\$333”; and

17 (C) by striking “\$196” and inserting
18 “\$222”.

19 (b) CORRESPONDENCE COURSE.—Section 3534(b) is
20 amended by striking “\$485” and inserting “\$550”.

21 (c) SPECIAL RESTORATIVE TRAINING.—Section
22 3542(a) is amended—

23 (1) by striking “\$485” and inserting “\$550”;

24 (2) by striking “\$152” each place it appears
25 and inserting “\$172”; and

1 (3) by striking “\$16.16” and inserting
2 “\$18.35”.

3 (d) APPRENTICESHIP TRAINING.—Section
4 3687(b)(2) is amended—

5 (1) by striking “\$353” and inserting “\$401”;

6 (2) by striking “\$264” and inserting “\$299”;

7 (3) by striking “\$175” and inserting “\$198”;

8 and

9 (4) by striking “\$88” and inserting “\$99”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 1999, and shall
12 apply with respect to educational assistance paid for
13 months after September 1999.

14 **SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED**
15 **FORCES TO WITHDRAW ELECTIONS NOT TO**
16 **RECEIVE MONTGOMERY GI BILL BASIC EDU-**
17 **CATIONAL ASSISTANCE.**

18 (a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is
19 amended by adding at the end the following:

20 “(4)(A) An individual who makes an election under
21 paragraph (1) may withdraw the election at any time be-
22 fore the discharge or release of the individual from active
23 duty in the Armed Forces. An individual who withdraws
24 such an election shall be entitled to basic educational as-
25 sistance under this chapter.

1 “(B) The withdrawal of an election under this para-
2 graph shall be made in accordance with regulations pre-
3 scribed by the Secretary of Defense or by the Secretary
4 of Transportation with respect to the Coast Guard when
5 it is not operating as a service in the Navy.

6 “(C)(i) In the case of an individual who withdraws
7 an election under this paragraph—

8 “(I) the basic pay of the individual shall be re-
9 duced by \$100 for each month after the month in
10 which the election is made until the total amount of
11 such reductions equals \$1,500; or

12 “(H) to the extent that basic pay is not so re-
13 duced before the individual’s discharge or release
14 from active duty in the Armed Forces, the Secretary
15 shall collect from the individual an amount equal to
16 the difference between \$1,500 and the total amount
17 of reductions under subclause (I).

18 “(ii) An individual described in clause (i) may pay
19 the Secretary at any time an amount equal to the total
20 amount of the reduction in basic pay otherwise required
21 with respect to the individual under that clause minus the
22 total amount of reductions of basic pay of the individual
23 under that clause at the time of the payment under this
24 clause.

1 “(iii) The second sentence of subsection (b) shall
2 apply to any reductions in basic pay under clause (i)(I).

3 “(iv) Amounts collected under clause (i)(II) and
4 amounts paid under clause (ii) shall be deposited into the
5 Treasury as miscellaneous receipts.

6 “(D) The withdrawal of an election under this para-
7 graph is irrevocable.”.

8 (b) MEMBERS OF SELECTED RESERVE.—Section
9 3012(d) is amended by adding at the end the following:

10 “(4)(A) An individual who makes an election under
11 paragraph (1) may withdraw the election at any time be-
12 fore the discharge or release of the individual from the
13 Armed Forces. An individual who withdraws such an elec-
14 tion shall be entitled to basic educational assistance under
15 this chapter.

16 “(B) The withdrawal of an election under this para-
17 graph shall be made in accordance with regulations pre-
18 scribed by the Secretary of Defense or by the Secretary
19 of Transportation with respect to the Coast Guard when
20 it is not operating as a service in the Navy.

21 “(C)(i) In the case of an individual who withdraws
22 an election under this paragraph—

23 “(I) the basic pay or compensation of the indi-
24 vidual shall be reduced by \$100 for each month
25 after the month in which the election is made until

1 the total amount of such reductions equals \$1,500;
2 or

3 “(H) to the extent that basic pay or compensa-
4 tion is not so reduced before the individual’s dis-
5 charge or release from the Armed Forces, the Sec-
6 retary shall collect from the individual an amount
7 equal to the difference between \$1,500 and the total
8 amount of reductions under subclause (I).

9 “(ii) An individual described in clause (i) may pay
10 the Secretary at any time an amount equal to the total
11 amount of the reduction in basic pay or compensation oth-
12 erwise required with respect to the individual under that
13 clause minus the total amount of reductions of basic pay
14 or compensation of the individual under that clause at the
15 time of the payment under this clause.

16 “(iii) The second sentence of subsection (c) shall
17 apply to any reductions in basic pay or compensation
18 under clause (i)(I).

19 “(iv) Amounts collected under clause (i)(H) and
20 amounts paid under clause (ii) shall be deposited into the
21 Treasury as miscellaneous receipts.

22 “(D) The withdrawal of an election under this para-
23 graph is irrevocable.”.

1 **SEC. 205. ACCELERATED PAYMENTS OF BASIC EDU-**
 2 **CATIONAL ASSISTANCE.**

3 Section 3014 is amended—

4 (1) by inserting “(a)” before “The Secretary”;
 5 and

6 (2) by adding at the end the following new sub-
 7 section:

8 “(b)(1) The Secretary may make payments of basic
 9 educational assistance under this subchapter on an accel-
 10 erated basis.

11 “(2) The Secretary may pay basic educational assist-
 12 ance on an accelerated basis under this subsection only
 13 to an individual entitled to payment of such assistance
 14 under this subchapter who has made a request for pay-
 15 ment of such assistance on an accelerated basis.

16 “(3) In the event an adjustment under section
 17 3015(g) of this title in the monthly rate of basic edu-
 18 cational assistance will occur during a period for which
 19 a payment of such assistance is made on an accelerated
 20 basis under this subsection, the Secretary shall pay on an
 21 accelerated basis the amount of such assistance otherwise
 22 payable under this subchapter for the period without re-
 23 gard to the adjustment under that section.

24 “(4) The entitlement to basic educational assistance
 25 under this subchapter of an individual who is paid such
 26 assistance on an accelerated basis under this subsection

1 shall be charged at a rate equal to one month for each
 2 month of the period covered by the accelerated payment
 3 of such assistance.

4 “(5) Basic educational assistance shall be paid on an
 5 accelerated basis under this subsection as follows:

6 “(A) In the case of assistance for a course lead-
 7 ing to a standard college degree, at the beginning of
 8 the quarter, semester, or term of the course in a
 9 lump-sum amount equivalent to the aggregate
 10 amount of monthly assistance otherwise payable
 11 under this subchapter for the quarter, semester, or
 12 term, as the case may be, of the course.

13 “(B) In the case of assistance for a course
 14 other than a course referred to in subparagraph
 15 (A)—

16 “(i) at the later of (I) the beginning of the
 17 course, or (II) a reasonable time after the re-
 18 quest for payment by the individual concerned;
 19 and

20 “(ii) in any amount requested by the indi-
 21 vidual concerned within the limit, if any, speci-
 22 fied in the regulations prescribed by the Sec-
 23 retary under paragraph (6), with such limit not
 24 to exceed the aggregate amount of monthly as-

1 sistance otherwise payable under this sub-
2 chapter for the period of the course.

3 ~~“(6) The Secretary shall prescribe regulations for~~
4 ~~purposes of making payments of basic educational assist-~~
5 ~~ance on an accelerated basis under this subsection. Such~~
6 ~~regulations shall include requirements relating to the re-~~
7 ~~quest for, making and delivery of, and receipt and use of~~
8 ~~such payments and may include a limit on the amount~~
9 ~~payable for a course under paragraph (5)(B)(ii).”.~~

10 **TITLE III—MEDICAL CARE**

11 **Subtitle A—Long-Term Care**

12 **SEC. 301. ADULT DAY HEALTH CARE.**

13 Section 1720(f)(1)(A)(i) is amended by striking
14 “subsections (a) through (d) of this section” and inserting
15 “subsections (b) through (d) of this section”.

16 **SEC. 302. IN-HOME RESPITE CARE SERVICES.**

17 Section 1720B(b) is amended—

18 (1) in the matter preceding paragraph (1), by
19 striking “or nursing home care” and inserting
20 “; nursing home care, or home-based care”; and

21 (2) in paragraph (2), by inserting “or in the
22 home of a veteran” after “in a Department facility”.

Subtitle B—Management of Medical Facilities and Property

SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1)

Chapter 81 is amended by inserting after section 8122 the following new section:

“§ 8122A. Disposal of real property: temporary flexibility in disposal

“(a)(1) The Secretary may, in accordance with this section, dispose of property owned by the United States that is administered by the Secretary (including improvements and equipment associated with the property) by transfer, sale, or exchange to a Federal agency, a State or political subdivision thereof, or any public or private entity.

“(2) The Secretary may exercise the authority provided by this section without regard to the following provisions of law:

“(A) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

“(B) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

1 ~~“(3) The Secretary may not undertake more than 30~~
 2 ~~transactions for the disposal of real property under this~~
 3 ~~section.~~

4 ~~“(b)(1) The Secretary shall obtain compensation in~~
 5 ~~connection with a disposal of real property under this sec-~~
 6 ~~tion, other than by transfer or exchange with another Fed-~~
 7 ~~eral entity, in an amount equal to the fair market value~~
 8 ~~of the property disposed of. Such compensation may in-~~
 9 ~~clude in-kind compensation.~~

10 ~~“(2) The Secretary may use amounts of cash com-~~
 11 ~~pensation received in connection with a disposal of real~~
 12 ~~property under this section to cover costs incurred by the~~
 13 ~~Secretary for administrative expenses associated with the~~
 14 ~~disposal.~~

15 ~~“(c)(1) There is in the Treasury a revolving fund to~~
 16 ~~be known as the Department of Veterans Affairs Capital~~
 17 ~~Asset Fund (in this section referred to as the ‘Fund’).~~

18 ~~“(2) The Secretary shall deposit in the Fund the fol-~~
 19 ~~lowing:~~

20 ~~“(A) Any amounts appropriated pursuant to an~~
 21 ~~authorization of appropriations for the Fund.~~

22 ~~“(B) Any cash compensation from the disposal~~
 23 ~~of real property under this section, less amounts~~
 24 ~~used to cover administrative expenses associated~~
 25 ~~with such disposal under subsection (b)(2).~~

1 “(3)(A) To the extent provided in advance in appro-
 2 priations Acts and subject to subsection (c)(2), amounts
 3 in the Fund at the beginning of a fiscal year shall be avail-
 4 able during the fiscal year as follows:

5 “(i) For costs associated with the disposal of
 6 real property under this section, including—

7 “(I) costs of demolition of facilities and
 8 improvements;

9 “(II) costs of environmental restoration;
 10 and

11 “(III) costs of maintenance and repair of
 12 property, facilities, and improvements to facili-
 13 tate disposal;

14 “(ii) To the extent not utilized under clause (i)
 15 and subject to subparagraph (B)—

16 “(I) for construction projects and facility
 17 leases (other than projects or leases within the
 18 scope of section 8104(a) of this title) and non-
 19 recurring maintenance and operation activities
 20 (including the procurement and maintenance of
 21 equipment);

22 “(II) for transfer to the Department of
 23 Veterans Affairs Medical Care Collections Fund
 24 established in section 1729A of this title for use
 25 in accordance with that section;

1 ~~“(III) for activities and grants under pro-~~
 2 ~~grams for providing grants for homeless assist-~~
 3 ~~ance; and~~

4 ~~“(IV) for transfer to the Department of~~
 5 ~~Housing and Urban Development for homeless~~
 6 ~~assistance grants.~~

7 ~~“(iii) To the extent not utilized under clauses~~
 8 ~~(i) and (ii), for the establishment and maintenance~~
 9 ~~of the database required under subsection (d).~~

10 ~~“(B) Of the amounts available under subparagraph~~
 11 ~~(A)(ii) for a fiscal year—~~

12 ~~“(i) an amount equal to 90 percent of such~~
 13 ~~amounts shall be available under subclauses (I), (II)~~
 14 ~~and (III) of that subparagraph; and~~

15 ~~“(ii) an amount equal to 10 percent of such~~
 16 ~~amounts shall be available under subclause (IV) of~~
 17 ~~that subparagraph.~~

18 ~~“(4) Amounts in the Fund shall be available for the~~
 19 ~~purposes specified in paragraph (3) without fiscal year~~
 20 ~~limitation.~~

21 ~~“(d) The Secretary shall, in consultation with the Ad-~~
 22 ~~ministrators of General Services, establish and maintain a~~
 23 ~~database of information on the real property of the De-~~
 24 ~~partment. The database shall provide information that fa-~~

1 facilitates the management of such real property, including
 2 the disposal of real property under this section.

3 ~~“(e)(1) The authority of the Secretary to dispose of~~
 4 ~~real property under this section shall expire 5 years after~~
 5 ~~the date of the enactment of the Veterans Benefits Act~~
 6 ~~of 1999.~~

7 ~~“(2)(A) The Fund shall be available for not more~~
 8 ~~than 2 years after the expiration of the authority under~~
 9 ~~paragraph (1) for authorized uses of the Fund under this~~
 10 ~~section.~~

11 ~~“(B) Any unobligated funds in the Fund at the expi-~~
 12 ~~ration of the availability of the Fund under subparagraph~~
 13 ~~(A) shall be transferred to and merged with amounts in~~
 14 ~~the Construction, Minor Projects Account.~~

15 ~~“(f) The Secretary shall include with the materials~~
 16 ~~that accompany the budget of the President for a fiscal~~
 17 ~~year under section 1105 of title 31 a description, for the~~
 18 ~~year preceding the year in which the budget is submitted,~~
 19 ~~of each transaction for the disposal of real property car-~~
 20 ~~ried out under this section.”.~~

21 ~~(2) The table of sections at the beginning of chapter~~
 22 ~~81 is amended by inserting after the item relating to sec-~~
 23 ~~tion 8122 the following new item:~~

~~“8122A. Disposal of real property: temporary flexibility in disposal.”.~~

24 ~~(b) INITIAL CAPITALIZATION OF FUND.—(1) There~~
 25 ~~is hereby authorized to be appropriated for the Depart-~~

1 ment of Veterans Affairs for fiscal year 2000;
 2 \$10,000,000 for deposit in the Department of Veterans
 3 Affairs Capital Asset Fund established by section
 4 8122A(c) of title 38, United States Code (as added by
 5 subsection (a)).

6 ~~(2)~~ The Secretary may, for purposes of providing ad-
 7 ditional amounts in the Fund, transfer to the Fund in fis-
 8 cal year 2000 amounts in the following accounts, in the
 9 order specified:

10 ~~(A)~~ Amounts in the Construction, Major
 11 Projects Account.

12 ~~(B)~~ Amounts in the Construction, Minor
 13 Projects Account.

14 ~~(3)~~ The Secretary shall reimburse an account re-
 15 ferred to in paragraph ~~(2)~~ for any amounts transferred
 16 from the account to the Fund under that paragraph.
 17 Amounts for such reimbursements shall be derived from
 18 amounts in the Fund.

19 ~~(c) MODIFICATIONS OF GENERAL REAL PROPERTY~~
 20 ~~DISPOSAL AUTHORITY.—~~Paragraph ~~(2)~~ of section
 21 8122(a) is amended to read as follows:

22 ~~“(2)(A)~~ Except as provided in paragraph ~~(3)~~ of this
 23 subsection, the Secretary may not during any fiscal year
 24 dispose of any real property that is owned by the United
 25 States and administered by the Secretary unless—

1 “(i) the disposal is described in the budget sub-
 2 mitted to Congress pursuant to section 1105 of title
 3 31 for that fiscal year; and

4 “(ii) the Department receives compensation for
 5 the disposal equal to fair market value of the real
 6 property.

7 “(B) The use of amounts received by the Secretary
 8 as a result of the disposal of real property under this para-
 9 graph shall be governed by the provisions of section 8122A
 10 of this title.”.

11 **SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHOR-**
 12 **ITY.**

13 Section 8169 is amended by striking “December 31,
 14 2001” and inserting “December 31, 2004”.

15 **Subtitle C—Homeless Veterans**

16 **SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSIST-**
 17 **ANCE FOR HOMELESS VETERANS.**

18 Section 3735(c) is amended by striking “December
 19 31, 1999” and inserting “December 31, 2001”.

20 **SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE**
 21 **PROGRAMS.**

22 (a) **PURPOSES OF GRANTS.**—Section 3(a) of the
 23 Homeless Veterans Comprehensive Service Programs Act
 24 of 1992 (38 U.S.C. 7721 note) is amended by inserting

1 “, and expanding existing programs for furnishing,” after
 2 “new programs to furnish”.

3 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
 4 12 of that Act (38 U.S.C. 7721 note) is amended in the
 5 first sentence by inserting “and \$50,000,000 for each of
 6 fiscal years 2000 and 2001” after “for fiscal years 1993
 7 through 1997”.

8 **SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR**
 9 **HOMELESS VETERANS’ REINTEGRATION**
 10 **PROJECTS.**

11 Section 738(e)(1) of the Stewart B. McKinney Home-
 12 less Assistance Act (42 U.S.C. 11448(e)(1)) is amended
 13 by adding at the end the following:

14 “(H) \$10,000,000 for fiscal year 2000.

15 “(I) \$10,000,000 for fiscal year 2001.”.

16 **SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL AC-**
 17 **COUNTING OFFICE RECOMMENDATIONS RE-**
 18 **GARDING PERFORMANCE MEASURES.**

19 (a) **REPORT.**—Not later than three months after the
 20 date of the enactment of this Act, the Secretary of Vet-
 21 erans Affairs shall submit to the Committees on Veterans’
 22 Affairs of the Senate and the House of Representatives
 23 a report containing a detailed plan for the evaluation by
 24 the Department of Veterans Affairs of the effectiveness
 25 of programs to assist homeless veterans.

1 (b) **OUTCOME MEASURES.**—The plan shall include
 2 outcome measures which determine whether veterans are
 3 housed and employed within six months after housing and
 4 employment are secured for veterans under such pro-
 5 grams.

6 **Subtitle D—Other Health Care** 7 **Provisions**

8 **SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCO-**
 9 **HOL DEPENDENCY.**

10 Section 1720A(c) is amended—

11 (1) in the first sentence of paragraph (1)—

12 (A) by striking “may not be transferred”
 13 and inserting “may be transferred”; and

14 (B) by striking “unless such transfer is
 15 during the last thirty days of such member’s
 16 enlistment or tour of duty”; and

17 (2) in the first sentence of paragraph (2), by
 18 striking “during the last thirty days of such person’s
 19 enlistment period or tour of duty”.

20 **SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AF-**
 21 **FAIRS HEALTH CARE FACILITIES OF**
 22 **AMOUNTS IN MEDICAL CARE COLLECTIONS**
 23 **FUND.**

24 Section 1729A(d) is amended—

25 (1) by striking “(1)”;

1 (2) by striking “each designated health care re-
 2 gion” and inserting “each Department health care
 3 facility”;

4 (3) by striking “each region” and inserting
 5 “each facility”;

6 (4) by striking “such region” both places it ap-
 7 pears and inserting “such facility”; and

8 (4) by striking paragraph (2).

9 **SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AU-**
 10 **THORITIES.**

11 (a) **THREE-YEAR EXTENSION OF NEWSLETTER ON**
 12 **MEDICAL CARE.**—Section 105(b)(2) of the Persian Gulf
 13 War Veterans’ Benefits Act (title I of Public Law 103–
 14 446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended
 15 by striking “December 31, 1999” and inserting “Decem-
 16 ber 31, 2002”.

17 (b) **THREE-YEAR EXTENSION OF PROGRAM FOR**
 18 **EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.**—
 19 Section 107(b) of Persian Gulf War Veterans’ Benefits
 20 Act (title I of Public Law 103–446; 38 U.S.C. 1117 note)
 21 is amended by striking “December 31, 1999” and insert-
 22 ing “December 31, 2002”.

1 **SEC. 334. REPORT ON COORDINATION OF PROCUREMENT**
 2 **OF PHARMACEUTICALS AND MEDICAL SUP-**
 3 **PLIES BY THE DEPARTMENT OF VETERANS**
 4 **AFFAIRS AND THE DEPARTMENT OF DE-**
 5 **FENSE.**

6 (a) **REQUIREMENT.**—Not later than March 31, 2000,
 7 the Secretary of Veterans Affairs and the Secretary of De-
 8 fense shall jointly submit to the Committees on Veterans’
 9 Affairs and Armed Services of the Senate and the Com-
 10 mittees on Veterans’ Affairs and Armed Services of the
 11 House of Representatives a report on the cooperation be-
 12 tween the Department of Veterans Affairs and the De-
 13 partment of Defense in the procurement of pharma-
 14 ceuticals and medical supplies.

15 (b) **REPORT ELEMENTS.**—The report under sub-
 16 section (a) shall include the following:

17 (1) A description of the current cooperation be-
 18 tween the Department of Veterans Affairs and the
 19 Department of Defense in the procurement of phar-
 20 maceuticals and medical supplies.

21 (2) An assessment of the means by which co-
 22 operation between the departments in such procure-
 23 ment could be enhanced or improved.

24 (3) A description of any existing memoranda of
 25 agreement between the Department of Veterans Af-

1 fairs and the Department of Defense that provide
2 for the cooperation referred to in subsection (a):

3 (4) A description of the effects, if any, such
4 agreements will have on current staffing levels at the
5 Defense Supply Center in Philadelphia, Pennsyl-
6 vania, and the Department of Veterans Affairs Na-
7 tional Acquisition Center in Hines, Illinois.

8 (5) A description of the effects, if any, of such
9 cooperation on military readiness.

10 (6) A comprehensive assessment of cost savings
11 realized and projected over the five fiscal year period
12 beginning in fiscal year 1999 for the Department of
13 Veterans Affairs and the Department of Defense as
14 a result of such cooperation, and the overall savings
15 to the Treasury of the United States as a result of
16 such cooperation.

17 (7) A list of the types of medical supplies and
18 pharmaceuticals for which cooperative agreements
19 would not be appropriate and the reason or reasons
20 therefor.

21 (8) An assessment of the extent to which coop-
22 erative agreements could be expanded to include
23 medical equipment, major systems, and durable
24 goods used in the delivery of health care by the De-

1 partment of Veterans Affairs and the Department of
2 Defense.

3 (9) A description of the effects such agreements
4 might have on distribution of items purchased coop-
5 eratively by the Department of Veterans Affairs and
6 the Department of Defense, particularly outside the
7 continental United States.

8 (10) An assessment of the potential to establish
9 common pharmaceutical formularies between the De-
10 partment of Veterans Affairs and the Department of
11 Defense.

12 (11) An explanation of the current Uniform
13 Product Number (UPN) requirements of each De-
14 partment and of any planned standardization of
15 such requirements between the Departments for
16 medical equipment and durable goods manufactur-
17 ers.

18 **Subtitle E—Major Medical Facility**
19 **Projects Construction Author-**
20 **ization**

21 **SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
22 **PROJECTS.**

23 (a) IN GENERAL.—The Secretary of Veterans Affairs
24 may carry out the following major medical facility

1 projects, with each project to be carried out in the amount
 2 specified for that project:

3 (1) Construction of a long term care facility at
 4 the Department of Veterans Affairs Medical Center,
 5 Lebanon, Pennsylvania, in an amount not to exceed
 6 \$14,500,000.

7 (2) Renovations and environmental improve-
 8 ments at the Department of Veterans Affairs Med-
 9 ical Center, Fargo, North Dakota, in an amount not
 10 to exceed \$12,000,000.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
 13 appropriated to the Secretary of Veterans Affairs for
 14 fiscal year 2000 for the Construction, Major
 15 Projects, Account \$200,100,000 for the projects au-
 16 thorized in subsection (a) and for the continuation
 17 of projects authorized in section 701(a) of the Vet-
 18 erans Programs Enhancement Act of 1998 (Public
 19 Law 105–368; 112 Stat. 3348).

20 (2) LIMITATION ON FISCAL YEAR 2000
 21 PROJECTS.—The projects authorized in subsection
 22 (a) may only be carried out using—

23 (A) funds appropriated for fiscal year 2000
 24 pursuant to the authorizations of appropria-
 25 tions in subsection (a);

1 ~~(B)~~ funds appropriated for Construction;
 2 Major Projects, for a fiscal year before fiscal
 3 year 2000 that remain available for obligation;
 4 and

5 ~~(C)~~ funds appropriated for Construction;
 6 Major Projects, for fiscal year 2000 for a cat-
 7 egory of activity not specific to a project.

8 ~~(c)~~ AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999
 9 PROJECTS.—Section 703(b)(1) of the Veterans Programs
 10 Enhancement Act of 1998 (112 Stat. 3349) is amended—

11 ~~(1)~~ by redesignating subparagraphs ~~(B)~~ and
 12 ~~(C)~~ as subparagraphs ~~(C)~~ and ~~(D)~~, respectively; and

13 ~~(2)~~ by inserting after subparagraph ~~(A)~~ the fol-
 14 lowing new subparagraph ~~(B)~~:

15 “~~(B)~~ funds appropriated for fiscal year 2000
 16 pursuant to the authorization of appropriations in
 17 section 341(b)(1) of the Veterans Benefits Act of
 18 1999;”.

19 **TITLE IV—OTHER BENEFITS** 20 **MATTERS**

21 **SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS** 22 **FOR CERTAIN FILIPINO VETERANS.**

23 ~~(a)~~ PAYMENT RATE.—Section 107 is amended—

1 (1) in subsection (a), by striking “Payments”
 2 and inserting “Subject to subsection (e), payments”;
 3 and

4 (2) by adding at the end the following:

5 “(e)(1) In the case of an individual described in para-
 6 graph (2), payments under section 2302 or 2303 of this
 7 title by reason of subsection (a)(3) shall be made at the
 8 rate of \$1 for each dollar authorized.

9 “(2) Paragraph (1) applies to any individual whose
 10 service is described in subsection (a) if the individual, on
 11 the individual’s date of death—

12 “(A) is a citizen of the United States;

13 “(B) is residing in the United States; and

14 “(C) either—

15 “(i) is receiving compensation under chap-
 16 ter 11 of this title; or

17 “(ii) if such service had been deemed to be
 18 active military, naval, or air service, would have
 19 been paid pension under section 1521 of this
 20 title without denial or discontinuance by reason
 21 of section 1522 of this title.”.

22 (b) APPLICABILITY.—No benefits shall accrue to any
 23 person for any period before the effective date of this Act
 24 by reason of the amendments made by subsection (a).

1 **SEC. 402. EXTENSION OF AUTHORITY TO MAINTAIN A RE-**
 2 **GIONAL OFFICE IN THE REPUBLIC OF THE**
 3 **PHILIPPINES.**

4 Section 315(b) is amended by striking “December 31,
 5 1999” and inserting “December 31, 2004”.

6 **SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MI-**
 7 **NORITY VETERANS.**

8 Section 544(e) is amended by striking “December 31,
 9 1999” and inserting “December 31, 2004”.

10 **SEC. 404. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
 11 **FITS TO INCOMPETENT INSTITUTIONALIZED**
 12 **VETERANS.**

13 Section 5503 is amended—

- 14 (1) by striking subsections (b) and (c); and
 15 (2) by redesignating subsections (d), (e), and
 16 (f) as subsections (b), (c), and (d), respectively.

17 **SEC. 405. CLARIFICATION OF VETERANS EMPLOYMENT OP-**
 18 **PORTUNITIES.**

19 (a) CLARIFICATION.—Section 3304(f) of title 5,
 20 United States Code, is amended—

- 21 (1) by striking paragraph (4);
 22 (2) by redesignating paragraphs (2) and (3) as
 23 paragraphs (3) and (4), respectively; and
 24 (3) by inserting after paragraph (1) the fol-
 25 lowing new paragraph (2):

1 “(2) If selected, a preference eligible or veteran de-
 2 scribed in paragraph (1) shall acquire competitive status
 3 and shall receive a career or career-conditional appoint-
 4 ment, as appropriate.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect as if included in the
 7 amendment made to section 3304 of title 5, United States
 8 Code, by section 2 of the Veterans Employment Opportu-
 9 nities Act of 1998 (Public Law 105–339, 112 Stat. 3182),
 10 to which such amendments relate.

11 **TITLE V—MEMORIAL AFFAIRS**
 12 **Subtitle A—Arlington National**
 13 **Cemetery**

14 **SEC. 501. SHORT TITLE.**

15 This subtitle may be cited as the “Arlington National
 16 Cemetery Burial and Inurnment Eligibility Act of 1999”.

17 **SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON**
 18 **NATIONAL CEMETERY.**

19 (a) IN GENERAL.—(1) Chapter 24 is amended by
 20 adding at the end the following new section:

21 **“§ 2412. Arlington National Cemetery: persons eligi-**
 22 **ble for burial**

23 “(a) PRIMARY ELIGIBILITY.—The remains of the fol-
 24 lowing individuals may be buried in Arlington National
 25 Cemetery:

1 “(1) Any member of the Armed Forces who
2 dies while on active duty.

3 “(2) Any retired member of the Armed Forces
4 and any person who served on active duty and at the
5 time of death was entitled (or but for age would
6 have been entitled) to retired pay under chapter
7 1223 of title 10.

8 “(3) Any former member of the Armed Forces
9 separated for physical disability before October 1,
10 1949, who—

11 “(A) served on active duty; and

12 “(B) would have been eligible for retire-
13 ment under the provisions of section 1201 of
14 title 10 (relating to retirement for disability)
15 had that section been in effect on the date of
16 separation of the member.

17 “(4) Any former member of the Armed Forces
18 whose last active duty military service terminated
19 honorably and who has been awarded one of the fol-
20 lowing decorations:

21 “(A) Medal of Honor.

22 “(B) Distinguished Service Cross, Air
23 Force Cross, or Navy Cross.

24 “(C) Distinguished Service Medal.

25 “(D) Silver Star.

1 ~~“(E) Purple Heart.~~

2 ~~“(5) Any former prisoner of war who dies on or~~
 3 ~~after November 30, 1993.~~

4 ~~“(6) The President or any former President.~~

5 ~~“(7) Any former member of the Armed Forces~~
 6 ~~whose last discharge or separation from active duty~~
 7 ~~was under honorable conditions and who is or was~~
 8 ~~one of the following:~~

9 ~~“(A) Vice President.~~

10 ~~“(B) Member of Congress.~~

11 ~~“(C) Chief Justice or Associate Justice of~~
 12 ~~the Supreme Court.~~

13 ~~“(D) The head of an Executive department~~
 14 ~~(as such departments are listed in section 101~~
 15 ~~of title 5).~~

16 ~~“(E) An individual who served in the for-~~
 17 ~~ign or national security services, if such indi-~~
 18 ~~vidual died as a result of a hostile action out-~~
 19 ~~side the United States in the course of such~~
 20 ~~service.~~

21 ~~“(8) Any individual whose eligibility is author-~~
 22 ~~ized in accordance with subsection (b).~~

23 ~~“(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—~~

24 ~~(1) Subject to paragraph (4), in the case of a former mem-~~
 25 ~~ber of the Armed Forces not otherwise covered by sub-~~

1 section (a) whose last discharge or separation from active
2 duty was under honorable conditions, if the Secretary of
3 Defense makes a determination referred to in paragraph
4 (3) with respect to such member, the Secretary of Defense
5 may authorize the burial of the remains of such former
6 member in Arlington National Cemetery under subsection
7 (a)(8).

8 “(2) Subject to paragraph (4), in the case of any indi-
9 vidual not otherwise covered by subsection (a) or para-
10 graph (1), if the President makes a determination referred
11 to in paragraph (3) with respect to such individual, the
12 President may authorize the burial of the remains of such
13 individual in Arlington National Cemetery under sub-
14 section (a)(8).

15 “(3) A determination referred to in paragraph (1) or
16 (2) is a determination that the acts, service, or other con-
17 tributions to the Nation of the former member or indi-
18 vidual concerned are of equal or similar merit to the acts,
19 service, or other contributions to the Nation of any of the
20 persons listed in subsection (a).

21 “(4) A burial may be authorized under paragraph (1)
22 or (2) only after consultation with respect to the burial
23 by the Secretary of Defense with the Chairmen and Rank-
24 ing Members of the Committees on Veterans’ Affairs of
25 the Senate and the House of Representatives.

1 “(5)(A) In the case of an authorization for burial
 2 under this subsection, the President or the Secretary of
 3 Defense, as the case may be, shall submit to the Commit-
 4 tees on Veterans’ Affairs of the Senate and the House of
 5 Representatives a report on the authorization not later
 6 than 72 hours after the authorization.

7 “(B) Each report under subparagraph (A) shall—

8 “(i) identify the individual authorized for bur-
 9 ial; and

10 “(ii) provide a justification for the authorization
 11 for burial.

12 “(c) ELIGIBILITY OF FAMILY MEMBERS.—The re-
 13 mains of the following individuals may be buried in Arling-
 14 ton National Cemetery:

15 “(1) The spouse, surviving spouse, minor child,
 16 and, at the discretion of the Superintendent, unmar-
 17 ried adult child of a person listed in subsection (a),
 18 but only if buried in the same gravesite as that per-
 19 son.

20 “(2)(A) The spouse, minor child, and, at the
 21 discretion of the Superintendent, unmarried adult
 22 child of a member of the Armed Forces on active
 23 duty if such spouse, minor child, or unmarried adult
 24 child dies while such member is on active duty.

1 ~~“(B) The individual whose spouse, minor child,~~
2 ~~and unmarried adult child is eligible under subpara-~~
3 ~~graph (A), but only if buried in the same gravesite~~
4 ~~as the spouse, minor child, or unmarried adult child.~~

5 ~~“(3) The parents of a minor child or unmarried~~
6 ~~adult child whose remains, based on the eligibility of~~
7 ~~a parent, are already buried in Arlington National~~
8 ~~Cemetery, but only if buried in the same gravesite~~
9 ~~as that minor child or unmarried adult child.~~

10 ~~“(4)(A) Subject to subparagraph (B), the sur-~~
11 ~~viving spouse, minor child, and, at the discretion of~~
12 ~~the Superintendent, unmarried adult child of a~~
13 ~~member of the Armed Forces who was lost, buried~~
14 ~~at sea, or officially determined to be permanently ab-~~
15 ~~sent in a status of missing or missing in action.~~

16 ~~“(B) A person is not eligible under subpara-~~
17 ~~graph (A) if a memorial to honor the memory of the~~
18 ~~member is placed in a cemetery in the national cem-~~
19 ~~etery system, unless the memorial is removed. A me-~~
20 ~~memorial removed under this subparagraph may be~~
21 ~~placed, at the discretion of the Superintendent, in~~
22 ~~Arlington National Cemetery.~~

23 ~~“(5) The surviving spouse, minor child, and, at~~
24 ~~the discretion of the Superintendent, unmarried~~
25 ~~adult child of a member of the Armed Forces buried~~

1 in a cemetery under the jurisdiction of the American
2 Battle Monuments Commission.

3 “(d) SPOUSES.—For purposes of subsection (c)(1), a
4 surviving spouse of a person whose remains are buried in
5 Arlington National Cemetery by reason of eligibility under
6 subsection (a) who has remarried is eligible for burial in
7 the same gravesite of that person. The spouse of the sur-
8 viving spouse is not eligible for burial in such gravesite.

9 “(e) DISABLED ADULT UNMARRIED CHILDREN.—In
10 the case of an unmarried adult child who is incapable of
11 self-support up to the time of death because of a physical
12 or mental condition, the child may be buried under sub-
13 section (c) without requirement for approval by the Super-
14 intendent under that subsection if the burial is in the same
15 gravesite as the gravesite in which the parent, who is eligi-
16 ble for burial under subsection (a), has been or will be
17 buried.

18 “(f) FAMILY MEMBERS OF PERSONS BURIED IN A
19 GROUP GRAVESITE.—In the case of a person eligible for
20 burial under subsection (a) who is buried in Arlington Na-
21 tional Cemetery as part of a group burial, the surviving
22 spouse, minor child, or unmarried adult child of the mem-
23 ber may not be buried in the group gravesite.

24 “(g) EXCLUSIVE AUTHORITY FOR BURIAL IN AR-
25 LINGTON NATIONAL CEMETERY.—Eligibility for burial of

1 remains in Arlington National Cemetery prescribed under
 2 this section is the exclusive eligibility for such burial.

3 ~~“(h) APPLICATION FOR BURIAL.—A request for bur-~~
 4 ~~ial of remains of an individual in Arlington National Cem-~~
 5 ~~etry made before the death of the individual may not be~~
 6 ~~considered by the Secretary of the Army, the Secretary~~
 7 ~~of Defense, or any other responsible official.~~

8 ~~“(i) REGISTER OF BURIED INDIVIDUALS.—(1) The~~
 9 ~~Secretary of the Army shall maintain a register of each~~
 10 ~~individual buried in Arlington National Cemetery and~~
 11 ~~shall make such register available to the public.~~

12 ~~“(2) With respect to each such individual buried on~~
 13 ~~or after January 1, 1998, the register shall include a brief~~
 14 ~~description of the basis of eligibility of the individual for~~
 15 ~~burial in Arlington National Cemetery.~~

16 ~~“(j) DEFINITIONS.—For purposes of this section:~~

17 ~~“(1) The term ‘retired member of the Armed~~
 18 ~~Forces’ means—~~

19 ~~“(A) any member of the Armed Forces on~~
 20 ~~a retired list who served on active duty and who~~
 21 ~~is entitled to retired pay;~~

22 ~~“(B) any member of the Fleet Reserve or~~
 23 ~~Fleet Marine Corps Reserve who served on ac-~~
 24 ~~tive duty and who is entitled to retainer pay;~~
 25 ~~and~~

1 ~~“(C) any member of a reserve component~~
 2 ~~of the Armed Forces who has served on active~~
 3 ~~duty and who has received notice from the Sec-~~
 4 ~~retary concerned under section 12731(d) of title~~
 5 ~~10 of eligibility for retired pay under chapter~~
 6 ~~1223 of title 10.~~

7 ~~“(2) The term ‘former member of the Armed~~
 8 ~~Forces’ includes a person whose service is considered~~
 9 ~~active duty service pursuant to a determination of~~
 10 ~~the Secretary of Defense under section 401 of Public~~
 11 ~~Law 95–202 (38 U.S.C. 106 note).~~

12 ~~“(3) The term ‘Superintendent’ means the Su-~~
 13 ~~perintendent of Arlington National Cemetery.”.~~

14 ~~(2) The table of sections at the beginning of chapter~~
 15 ~~24 is amended by adding at the end the following new~~
 16 ~~item:~~

~~“2412. Arlington National Cemetery: persons eligible for burial.”.~~

17 ~~(b) PUBLICATION OF UPDATED PAMPHLET.—Not~~
 18 ~~later than 180 days after the date of enactment of this~~
 19 ~~Act, the Secretary of the Army shall publish an updated~~
 20 ~~pamphlet describing eligibility for burial in Arlington Na-~~
 21 ~~tional Cemetery. The pamphlet shall reflect the provisions~~
 22 ~~of section 2412 of title 38, United States Code, as added~~
 23 ~~by subsection (a).~~

24 ~~(c) TECHNICAL AMENDMENTS.—Section 2402(7) is~~
 25 ~~amended—~~

1 (1) by inserting “(or but for age would have
2 been entitled)” after “was entitled”;

3 (2) by striking “chapter 67” and inserting
4 “chapter 1223”; and

5 (3) by striking “or would have been entitled to”
6 and all that follows and inserting a period.

7 (d) **EFFECTIVE DATE.**—Section 2412 of title 38,
8 United States Code, as added by subsection (a), shall
9 apply with respect to individuals dying on or after the date
10 of enactment of this Act.

11 **SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE**
12 **COLUMBARIUM IN ARLINGTON NATIONAL**
13 **CEMETERY.**

14 (a) **IN GENERAL.**—(1) Chapter 24 is amended by
15 adding after section 2412, as added by section 501(a)(1)
16 of this Act, the following new section:

17 **“§ 2413. Arlington National Cemetery: persons eligi-**
18 **ble for placement in columbarium**

19 “(a) **ELIGIBILITY.**—The cremated remains of the fol-
20 lowing individuals may be placed in the columbarium in
21 Arlington National Cemetery:

22 “(1) A person eligible for burial in Arlington
23 National Cemetery under section 2412 of this title.

1 “(2)(A) A veteran whose last period of active
2 duty service (other than active duty for training)
3 ended honorably.

4 “(B) The spouse, surviving spouse, minor child,
5 and, at the discretion of the Superintendent of Ar-
6 lington National Cemetery, unmarried adult child of
7 such a veteran.

8 “(b) SPOUSE.—Section 2412(d) of this title shall
9 apply to a spouse under this section in the same manner
10 as it applies to a spouse under section 2412 of this title.”.

11 (2) The table of sections at the beginning of chapter
12 24 is amended by adding after section 2412, as added by
13 section 501(a)(2) of this Act, the following new item:

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”.

14 (b) EFFECTIVE DATE.—Section 2413 of title 38,
15 United States Code, as added by subsection (a), shall
16 apply with respect to individuals dying on or after the date
17 of enactment of this Act.

18 **Subtitle B—World War II Memorial**

19 **SEC. 511. SHORT TITLE.**

20 This subtitle may be cited as the “World War II Me-
21 morial Completion Act”.

1 **SEC. 512. FUND RAISING BY AMERICAN BATTLE MONU-**
 2 **MENTS COMMISSION FOR WORLD WAR II ME-**
 3 **MORIAL.**

4 (a) CODIFICATION OF EXISTING AUTHORITY; EX-
 5 PANSION OF AUTHORITY.—(1) Chapter 21 of title 36,
 6 United States Code, is amended by adding at the end the
 7 following new section:

8 **“§ 2113. World War II memorial in the District of Co-**
 9 **lumbia**

10 “(a) DEFINITIONS.—In this section:

11 “(1) The term ‘World War II memorial’ means
 12 the memorial authorized by Public Law 103–32
 13 (107 Stat. 90) to be established by the American
 14 Battle Monuments Commission on Federal land in
 15 the District of Columbia or its environs to honor
 16 members of the Armed Forces who served in World
 17 War II and to commemorate the participation of the
 18 United States in that war.

19 “(2) The term ‘Commission’ means the Amer-
 20 ican Battle Monuments Commission.

21 “(3) The term ‘memorial fund’ means the fund
 22 created by subsection (c).

23 “(b) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
 24 TIONS.—Consistent with the authority of the Commission
 25 under section 2103(e) of this title, the Commission shall

1 solicit and accept contributions for the World War II me-
 2 morial.

3 ~~“(e) CREATION OF MEMORIAL FUND.—(1) There is~~
 4 hereby created in the Treasury a fund for the World War
 5 II memorial, which shall consist of the following:

6 ~~“(A) Amounts deposited, and interest and pro-~~
 7 ceeds credited, under paragraph (2).

8 ~~“(B) Obligations obtained under paragraph (3).~~

9 ~~“(C) The amount of surcharges paid to the~~
 10 Commission for the World War II memorial under
 11 the World War II 50th Anniversary Commemorative
 12 Coins Act.

13 ~~“(D) Amounts borrowed using the authority~~
 14 provided under subsection (e).

15 ~~“(E) Any funds received by the Commission~~
 16 under section 2103(1) of this title in exchange for
 17 use of, or the right to use, any mark, copyright or
 18 patent.

19 ~~“(2) The Chairman of the Commission shall deposit~~
 20 in the memorial fund the amounts accepted as contribu-
 21 tions under subsection (b). The Secretary of the Treasury
 22 shall credit to the memorial fund the interest on, and the
 23 proceeds from sale or redemption of, obligations held in
 24 the memorial fund.

1 ~~“(3) The Secretary of the Treasury shall invest any~~
 2 ~~portion of the memorial fund that, as determined by the~~
 3 ~~Chairman of the Commission, is not required to meet cur-~~
 4 ~~rent expenses. Each investment shall be made in an inter-~~
 5 ~~est bearing obligation of the United States or an obligation~~
 6 ~~guaranteed as to principal and interest by the United~~
 7 ~~States that, as determined by the Chairman of the Com-~~
 8 ~~mission, has a maturity suitable for the memorial fund.~~

9 ~~“(d) USE OF MEMORIAL FUND.—The memorial fund~~
 10 ~~shall be available to the Commission for—~~

11 ~~“(1) the expenses of establishing the World~~
 12 ~~War II memorial, including the maintenance and~~
 13 ~~preservation amount provided for in section 8(b) of~~
 14 ~~the Commemorative Works Act (40 U.S.C. 1008(b));~~

15 ~~“(2) such other expenses, other than routine~~
 16 ~~maintenance, with respect to the World War II me-~~
 17 ~~memorial as the Commission considers warranted; and~~

18 ~~“(3) to secure, obtain, register, enforce, protect,~~
 19 ~~and license any mark, copyright or patent that is~~
 20 ~~owned by, assigned to, or licensed to the Commission~~
 21 ~~under section 2103(1) of this title to aid or facilitate~~
 22 ~~the construction of the World War II memorial.~~

23 ~~“(e) SPECIAL BORROWING AUTHORITY.—(1) To as-~~
 24 ~~sure that groundbreaking, construction, and dedication of~~
 25 ~~the World War II memorial are completed on a timely~~

1 basis, the Commission may borrow money from the Treas-
2 ury of the United States in such amounts as the Commis-
3 sion considers necessary, but not to exceed a total of
4 \$65,000,000. Borrowed amounts shall bear interest at a
5 rate determined by the Secretary of the Treasury, taking
6 into consideration the average market yield on outstanding
7 marketable obligations of the United States of comparable
8 maturities during the month preceding the month in which
9 the obligations of the Commission are issued. The interest
10 payments on such obligations may be deferred with the
11 approval of the Secretary of the Treasury, but any interest
12 payment so deferred shall also bear interest.

13 “(2) The borrowing of money by the Commission
14 under paragraph (1) shall be subject to such maturities,
15 terms, and conditions as may be agreed upon by the Com-
16 mission and the Secretary of the Treasury, except that
17 the maturities may not exceed 20 years and such bor-
18 rowings may be redeemable at the option of the Commis-
19 sion before maturity.

20 “(3) The obligations of the Commission shall be
21 issued in amounts and at prices approved by the Secretary
22 of the Treasury. The authority of the Commission to issue
23 obligations under this subsection shall remain available
24 without fiscal year limitation. The Secretary of the Treas-
25 ury shall purchase any obligations of the Commission to

1 be issued under this subsection, and for such purpose the
 2 Secretary of the Treasury may use as a public debt trans-
 3 action of the United States the proceeds from the sale of
 4 any securities issued under chapter 31 of title 31. The
 5 purposes for which securities may be issued under such
 6 chapter are extended to include any purchase of the Com-
 7 mission's obligations under this subsection.

8 “(4) Repayment of the interest and principal on any
 9 funds borrowed by the Commission under paragraph (1)
 10 shall be made from amounts in the memorial fund. The
 11 Commission may not use for such purpose any funds ap-
 12 propriated for any other activities of the Commission.

13 “(f) TREATMENT OF BORROWING AUTHORITY.—In
 14 determining whether the Commission has sufficient funds
 15 to complete construction of the World War II memorial,
 16 as required by section 8 of the Commemorative Works Act
 17 (40 U.S.C. 1008), the Secretary of the Interior shall con-
 18 sider the funds that the Commission may borrow from the
 19 Treasury under subsection (e) as funds available to com-
 20 plete construction of the memorial, whether or not the
 21 Commission has actually exercised the authority to borrow
 22 such funds.

23 “(g) VOLUNTARY SERVICES.—(1) Notwithstanding
 24 section 1342 of title 31, the Commission may accept from
 25 any person voluntary services to be provided in further-

1 ance of the fund-raising activities of the Commission relat-
2 ing to the World War II memorial.

3 “(2) A person providing voluntary services under this
4 subsection shall be considered to be a Federal employee
5 for purposes of chapter 81 of title 5, relating to compensa-
6 tion for work-related injuries, and chapter 171 of title 28,
7 relating to tort claims. A volunteer who is not otherwise
8 employed by the Federal Government shall not be consid-
9 ered to be a Federal employee for any other purpose by
10 reason of the provision of such voluntary service, except
11 that any volunteers given responsibility for the handling
12 of funds or the carrying out of a Federal function are sub-
13 ject to the conflict of interest laws contained in chapter
14 11 of title 18, and the administrative standards of conduct
15 contained in part 2635 of title 5, Code of Federal Regula-
16 tions.

17 “(3) The Commission may provide for reimbursement
18 of incidental expenses which are incurred by a person pro-
19 viding voluntary services under this subsection. The Com-
20 mission shall determine which expenses are eligible for re-
21 imbursement under this paragraph.

22 “(4) Nothing in this subsection shall be construed to
23 require Federal employees to work without compensation
24 or to allow the use of volunteer services to displace or re-
25 place Federal employees.

1 “(h) TREATMENT OF CERTAIN CONTRACTS.—A con-
 2 tract entered into by the Commission for the design or
 3 construction of the World War II memorial is not a fund-
 4 ing agreement as that term is defined in section 201 of
 5 title 35.

6 “(i) EXTENSION OF AUTHORITY TO ESTABLISH ME-
 7 MORIAL.—Notwithstanding section 10 of the Commemora-
 8 tive Works Act (40 U.S.C. 1010), the legislative author-
 9 ization for the construction of the World War II memorial
 10 contained in Public Law 103–32 (107 Stat. 90) shall not
 11 expire until December 31, 2005.”.

12 (2) The table of sections at the beginning of chapter
 13 21 of title 36, United States Code, is amended by adding
 14 at the end the following new item:

“2113. World War II memorial in the District of Columbia.”.

15 (b) CONFORMING AMENDMENTS.—Public Law 103–
 16 32 (107 Stat. 90) is amended by striking sections 3, 4,
 17 and 5.

18 (c) EFFECT OF REPEAL OF CURRENT MEMORIAL
 19 FUND.—Upon the date of the enactment of this Act, the
 20 Secretary of the Treasury shall transfer amounts in the
 21 fund created by section 4(a) of Public Law 103–32 (107
 22 Stat. 91) to the fund created by section 2113 of title 36,
 23 United States Code, as added by subsection (a).

1 **SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE**
 2 **MONUMENTS COMMISSION TO SOLICIT AND**
 3 **RECEIVE CONTRIBUTIONS.**

4 Subsection (c) of section 2103 of title 36, United
 5 States Code, is amended to read as follows:

6 “(c) SOLICITATION AND RECEIPT OF CONTRIBU-
 7 TIONS.—(1) The Commission may solicit and receive
 8 funds and in-kind donations and gifts from any State, mu-
 9 nicipal, or private source to carry out the purposes of this
 10 chapter. The Commission shall deposit such funds in a
 11 separate account in the Treasury. Funds from this ac-
 12 count shall be disbursed upon vouchers approved by the
 13 Chairman of the Commission as well as by a Federal offi-
 14 cial authorized to sign payment vouchers.

15 “(2) The Commission shall establish written guide-
 16 lines setting forth the criteria to be used in determining
 17 whether the acceptance of funds and in-kind donations
 18 and gifts under paragraph (1) would—

19 “(A) reflect unfavorably on the ability of the
 20 Commission, or any employee of the Commission, to
 21 carry out the responsibilities or official duties of the
 22 Commission in a fair and objective manner; or

23 “(B) compromise the integrity or the appear-
 24 ance of the integrity of the programs of the Commis-
 25 sion or any official involved in those programs.”.

1 **SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

2 Section 2103 of title 36, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(1) INTELLECTUAL PROPERTY AND RELATED
6 ITEMS.—(1) The Commission may—

7 “(A) adopt, use, register, and license trade-
8 marks, service marks, and other marks;

9 “(B) obtain, use, register, and license the use
10 of copyrights consistent with section 105 of title 17;

11 “(C) obtain, use, and license patents; and

12 “(D) accept gifts of marks, copyrights, patents
13 and licenses for use by the Commission.

14 “(2) The Commission may grant exclusive and non-
15 exclusive licenses in connection with any mark, copyright,
16 patent, or license for the use of such mark, copyright or
17 patent, except to extent the grant of such license by the
18 Commission would be contrary to any contract or license
19 by which the use of such mark, copyright or patent was
20 obtained.

21 “(3) The Commission may enforce any mark, copy-
22 right, or patent by an action in the district courts under
23 any law providing for the protection of such marks, copy-
24 rights, or patents.

25 “(4) The Attorney General shall furnish the Commis-
26 sion with such legal representation as the Commission

1 may require under paragraph (3). The Secretary of De-
 2 fense shall provide representation for the Commission in
 3 administrative proceedings before the Patent and Trade-
 4 mark Office and Copyright Office.

5 “(5) Section 203 of title 17 shall not apply to any
 6 copyright transferred in any manner to the Commission.”.

7 **TITLE VI—UNITED STATES**
 8 **COURT OF APPEALS FOR VET-**
 9 **ERANS CLAIMS**

10 **SEC. 601. STAGGERED RETIREMENT OF JUDGES.**

11 (a) ~~STAGGERED ELIGIBILITY FOR EARLY RETIRE-~~
 12 ~~MENT.~~—Notwithstanding section 7296 of title 38, United
 13 States Code, judges of the United States Court of Appeals
 14 for Veterans Claims described in subsection (b) shall be
 15 eligible to retire from the Court without regard to the ac-
 16 tual date of expiration of their terms as judges of the
 17 Court, as follows:

18 (1) One individual in 2001.

19 (2) Two individuals in each of 2002 and 2003.

20 (b) ~~COVERED JUDGES.~~—A judge of the United
 21 States Court of Appeals for Veterans Claims is eligible to
 22 retire under this section if at the time of retirement the
 23 judge—

1 (1) is an associate judge of the Court who has
2 at least 10 years of service on the Court creditable
3 under section 7296 of title 38, United States Code;

4 (2) has made an election to receive retired pay
5 under section 7296 of such title;

6 (3) has at least 20 years of service allowable
7 under section 7297(l) of such title;

8 (4) is at least fifty-five years of age;

9 (5) has years of age, years of service creditable
10 under section 7296 of such title, and years of service
11 allowable under section 7297(l) of such title not
12 creditable under section 7296 of such title that total
13 at least 80; and

14 (6) either—

15 (A) is the most senior associate judge of
16 the Court to submit notice of an election to re-
17 tire under subsection (e) in 2001; or

18 (B) is one of the two most senior associate
19 judges of the Court to submit notice of an elec-
20 tion to retire under that subsection in 2002 or
21 2003, as applicable.

22 (c) ELECTION OF INTENT TO RETIRE.—(1) A judge
23 seeking to retire under this section shall submit to the
24 President and the chief judge of the United States Court
25 of Appeals for Veterans Claims written notice of an elec-

tion to so retire not later than April 1 of the year in which the judge seeks to so retire.

(2) A notice of election to retire under this subsection for a judge shall specify the retirement date of the judge. That date shall meet the requirements for a retirement date set forth in subsection (d)(1).

(3) An election to retire under this section, if accepted by the President, is irrevocable.

(d) RETIREMENT.—(1) A judge whose election to retire under this section is accepted shall retire in the year in which notice of the judge's election to retire is submitted under subsection (c)(1). The retirement date shall be not later than 90 days after the date of the submittal of the election to retire under that subsection.

(2)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), a judge retiring under this section shall be deemed to have retired under section 7296(b)(1) of title 38, United States Code.

(B) The rate of retired pay for a judge retiring under this section shall, as of the date of such judge's retirement, be equal to the rate of retired pay otherwise applicable to the judge under section 7296(c)(1) of such title as of such date multiplied by the fraction in which—

(i) the numerator is the sum of the number of the judge's years of service as a judge of the United

1 States Court of Appeals for Veterans Claims cred-
 2 itable under section 7296 of such title and the age
 3 of such judge; and

4 (ii) the denominator is 80.

5 (e) DUTY OF ACTUARY.—Section 7298(e)(2) is
 6 amended—

7 (1) by redesignating subparagraph (C) as sub-
 8 paragraph (D); and

9 (2) by inserting after subparagraph (B) the fol-
 10 lowing new subparagraph (C):

11 “(C) For purposes of subparagraph (B) of this para-
 12 graph, the term ‘present value’ includes a value deter-
 13 mined by an actuary with respect to a payment that may
 14 be made under subsection (b) from the retirement fund
 15 within the contemplation of law.”.

16 **SEC. 602. RECALL OF RETIRED JUDGES.**

17 (a) IN GENERAL.—Subchapter I of chapter 72 is
 18 amended by inserting after section 7254 the following new
 19 section:

20 **“§ 7254a. Recall of retired judges**

21 “(a) The chief judge of the United States Court of
 22 Appeals for Veterans Claims may recall to the Court any
 23 individual described in subsection (b) if—

24 “(1) a vacancy exists in a position of associate
 25 judge of the Court; or

1 ~~“(2) the chief judge determines that the recall~~
 2 ~~is necessary to meet the anticipated ease work of the~~
 3 ~~Court.~~

4 ~~“(b) An individual eligible for recall to the Court~~
 5 ~~under this section is any individual who—~~

6 ~~“(1) has retired as a judge of the Court under~~
 7 ~~the provisions of section 7296 of this title or the~~
 8 ~~provisions of chapter 83 or 84 of title 5, as applica-~~
 9 ~~ble; and~~

10 ~~“(2) has submitted to the chief judge of the~~
 11 ~~Court a notice of election to be so recalled.~~

12 ~~“(c)(1) Upon determining to recall an individual to~~
 13 ~~the Court under this section, the chief judge shall certify~~
 14 ~~in writing to the President that—~~

15 ~~“(A) the individual to be recalled is needed to~~
 16 ~~perform substantial service for the Court; and~~

17 ~~“(B) such service is required for a specified pe-~~
 18 ~~riod of time.~~

19 ~~“(2) The chief judge shall provide a copy of any cer-~~
 20 ~~tification submitted to the President under paragraph (1)~~
 21 ~~to the Committees on Veterans' Affairs of the Senate and~~
 22 ~~House of Representatives.~~

23 ~~“(3)(A) An individual may be recalled to the Court~~
 24 ~~under this section only with the written consent of the in-~~
 25 ~~dividual.~~

1 “(B) The individual shall be recalled only for the pe-
 2 riod of time specified in the certification with respect to
 3 the individual under paragraph (1).

4 “(d) An individual recalled to the Court under this
 5 section may exercise all of the powers and duties of office
 6 of a judge of the Court in active service on the Court.

7 “(e)(1) An individual recalled to the Court under this
 8 section shall, during the period for which the individual
 9 serves in recall status under this section, be paid pay at
 10 a rate equivalent to the rate of pay in effect under section
 11 7253(e)(2) of this title for a judge serving on the Court
 12 minus the amount of retired pay paid to the individual
 13 under section 7296 of this title or of an annuity under
 14 the provisions of chapter 83 or 84 of title 5, as applicable.

15 “(2) Amounts paid an individual under this sub-
 16 section shall not be treated as compensation for employ-
 17 ment with the United States for purposes of section
 18 7296(e) of this title or any provision of title 5 relating
 19 to the receipt or forfeiture of retired pay or retirement
 20 annuities by a person accepting compensation for employ-
 21 ment with the United States.

22 “(f)(1) Except as provided in subsection (e), an indi-
 23 vidual recalled to the Court under this section who retired
 24 under the applicable provisions of title 5 shall be consid-

1 ered to be a reemployed annuitant under chapter 83 or
 2 84 of title 5, as applicable.

3 ~~“(2) Nothing in this section shall affect the right of~~
 4 ~~an individual who retired under the provisions of chapter~~
 5 ~~83 or 84 of title 5 to serve otherwise as a reemployed an-~~
 6 ~~nuitant in accordance with the provisions of title 5.”.~~

7 (b) ~~CLERICAL AMENDMENT.~~—The table of sections
 8 at the beginning of chapter 72 is amended by inserting
 9 after the item relating to section 7254 the following new
 10 item:

~~“7254a. Recall of retired judges.”.~~

11 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 13 *erans Benefits Act of 1999”.*

14 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 15 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—MEDICAL CARE

Subtitle A—Long-Term Care

Sec. 101. Adult day health care.

Sec. 102. In-home respite care services.

Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.

Sec. 112. Designation of hospital bed replacement building at Department of Vet-
erans Affairs medical center in Reno, Nevada, after Jack Street-
er.

Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.

Sec. 122. Homeless veterans comprehensive service programs.

Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.

Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.

Sec. 132. Improvement of specialized mental health services for veterans.

Sec. 133. Treatment and services for drug or alcohol dependency.

Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.

Sec. 135. Extension of certain Persian Gulf War authorities.

Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.

Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.

Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.

Sec. 203. Extension of Advisory Committee on Minority Veterans.

Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.

Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.

Sec. 206. Clarification of veterans employment opportunities.

TITLE III—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

Sec. 301. Short title.

Sec. 302. Persons eligible for burial in Arlington National Cemetery.

Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

Subtitle B—World War II Memorial

Sec. 311. Short title.

Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.

Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.

Sec. 314. Intellectual property and related items.

*TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS
CLAIMS*

Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.

Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.

Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.

Sec. 404. Definition.

1 *SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.*

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms of
4 an amendment to, or repeal of, a section or other provision,
5 the reference shall be considered to be made to a section or
6 other provision of title 38, United States Code.

7 *TITLE I—MEDICAL CARE*

8 *Subtitle A—Long-Term Care*

9 *SEC. 101. ADULT DAY HEALTH CARE.*

10 Section 1720(f)(1)(A)(i) is amended by striking “sub-
11 sections (a) through (d) of this section” and inserting “sub-
12 sections (b) through (d) of this section”.

13 *SEC. 102. IN-HOME RESPITE CARE SERVICES.*

14 Section 1720B(b) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “or nursing home care” and inserting “,
17 nursing home care, or home-based care”; and

18 (2) in paragraph (2), by inserting “or in the
19 home of a veteran” after “in a Department facility”.

1 ***Subtitle B—Management of Medical***
 2 ***Facilities and Property***

3 ***SEC. 111. ENHANCED-USE LEASE AUTHORITY.***

4 (a) *MAXIMUM TERM OF LEASES.*—Section 8162(b)(2)
 5 *is amended by striking “may not exceed—” and all that*
 6 *follows through the end and inserting “may not exceed 55*
 7 *years.”.*

8 (b) *AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES*
 9 *RELATING TO LEASES.*—Section 8162(b)(4) *is amended—*

10 (1) *by inserting “(A)” after “(4)”;*

11 (2) *in subparagraph (A), as so designated—*

12 (A) *in the first sentence, by striking “only”;*

13 *and*

14 (B) *by striking the second sentence; and*

15 (3) *by adding at the end the following new sub-*
 16 *paragraph:*

17 “(B) *Any payment by the Secretary in contribution*
 18 *to capital activities on property that has been leased under*
 19 *this subchapter may be made from amounts appropriated*
 20 *to the Department for construction, minor projects.”.*

21 (c) *EXTENSION OF AUTHORITY.*—Section 8169 *is*
 22 *amended by striking “December 31, 2001” and inserting*
 23 *“December 31, 2011”.*

24 (d) *TRAINING AND OUTREACH REGARDING AUTHOR-*
 25 *ITY.*—*The Secretary of Veterans Affairs shall take appro-*

1 *priate actions to provide training and outreach to personnel*
 2 *at Department of Veterans Affairs medical centers regard-*
 3 *ing the enhanced-use lease authority under subchapter V of*
 4 *chapter 81 of title 38, United States Code. The training*
 5 *and outreach shall address methods of approaching poten-*
 6 *tial lessees in the medical or commercial sectors regarding*
 7 *the possibility of entering into leases under that authority*
 8 *and other appropriate matters.*

9 *(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR*
 10 *USE OF AUTHORITY.—(1) The Secretary shall take appro-*
 11 *priate actions to secure from an appropriate entity inde-*
 12 *pendent of the Department of Veterans Affairs an analysis*
 13 *of opportunities for the use of the enhanced-use lease author-*
 14 *ity under subchapter V of chapter 81 of title 38, United*
 15 *States Code.*

16 *(2) The analysis under paragraph (1) shall include—*

17 *(A) a survey of the facilities of the Department*
 18 *for purposes of identifying Department property that*
 19 *presents an opportunity for lease under the enhanced-*
 20 *use lease authority;*

21 *(B) an assessment of the feasibility of entering*
 22 *into enhanced-use leases under that authority in the*
 23 *case of any property identified under subparagraph*
 24 *(A) as presenting an opportunity for such lease; and*

1 (C) an assessment of the resources required at the
2 Department facilities concerned, and at the Depart-
3 ment Central Office, in order to facilitate the entering
4 into of enhanced-used leases in the case of property so
5 identified.

6 (3) If as a result of the survey under paragraph (2)(A)
7 the entity determines that a particular Department prop-
8 erty presents no opportunities for lease under the enhanced-
9 use lease authority, the analysis shall include the entity's
10 explanation of that determination.

11 (4) If as a result of the survey the entity determines
12 that certain Department property presents an opportunity
13 for lease under the enhanced-use lease authority, the anal-
14 ysis shall include a single integrated business plan, devel-
15 oped by the entity, that addresses the strategy and resources
16 necessary to implement the plan for all property determined
17 to present an opportunity for such lease.

18 (f) *AUTHORITY FOR ENHANCED-USE LEASE OF PROP-*
19 *ERTY UNDER BUSINESS PLAN.*—(1) The Secretary may
20 enter into an enhanced-use lease of any property identified
21 as presenting an opportunity for such lease under the anal-
22 ysis under subsection (e) if such lease is consistent with the
23 business plan under paragraph (4) of that subsection.

1 (2) *The provisions of subchapter V of chapter 81 of*
 2 *title 38, United States Code, shall apply with respect to*
 3 *any lease under paragraph (1).*

4 **SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT**
 5 **BUILDING AT DEPARTMENT OF VETERANS AF-**
 6 **FAIRS MEDICAL CENTER IN RENO, NEVADA,**
 7 **AFTER JACK STREETER.**

8 *The hospital bed replacement building under construc-*
 9 *tion at the Ioannis A. Lougaris Department of Veterans Af-*
 10 *fairs Medical Center in Reno, Nevada, is hereby designated*
 11 *as the “Jack Streeter Building”. Any reference to that*
 12 *building in any law, regulation, map, document, record,*
 13 *or other paper of the United States shall be considered to*
 14 *be a reference to the Jack Streeter Building.*

15 ***Subtitle C—Homeless Veterans***

16 **SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSIST-**
 17 **ANCE FOR HOMELESS VETERANS.**

18 *Section 3735(c) is amended by striking “December 31,*
 19 *1999” and inserting “December 31, 2001”.*

20 **SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE**
 21 **PROGRAMS.**

22 (a) *PURPOSES OF GRANTS.*—*Paragraph (1) of section*
 23 *3(a) of the Homeless Veterans Comprehensive Service Pro-*
 24 *grams Act of 1992 (38 U.S.C. 7721 note) is amended by*

1 inserting “, and expanding existing programs for fur-
 2 nishing,” after “new programs to furnish”.

3 (b) *EXTENSION OF AUTHORITY TO MAKE GRANTS.*—
 4 Paragraph (2) of that section is amended by striking “Sep-
 5 tember 30, 1999” and inserting “September 30, 2001”.

6 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 12
 7 of that Act (38 U.S.C. 7721 note) is amended in the first
 8 sentence by inserting “and \$50,000,000 for each of fiscal
 9 years 2000 and 2001” after “for fiscal years 1993 through
 10 1997”.

11 **SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR**
 12 **HOMELESS VETERANS’ REINTEGRATION**
 13 **PROJECTS.**

14 Section 738(e)(1) of the Stewart B. McKinney Home-
 15 less Assistance Act (42 U.S.C. 11448(e)(1)) is amended by
 16 adding at the end the following:

17 “(H) \$10,000,000 for fiscal year 2000.

18 “(I) \$10,000,000 for fiscal year 2001.”.

19 **SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL AC-**
 20 **COUNTING OFFICE RECOMMENDATIONS RE-**
 21 **GARDING PERFORMANCE MEASURES.**

22 (a) *REPORT.*—Not later than three months after the
 23 date of the enactment of this Act, the Secretary of Veterans
 24 Affairs shall submit to the Committees on Veterans’ Affairs
 25 of the Senate and the House of Representatives a report con-

1 taining a detailed plan for the evaluation by the Depart-
 2 ment of Veterans Affairs of the effectiveness of programs to
 3 assist homeless veterans.

4 (b) *OUTCOME MEASURES.*—The plan shall include
 5 outcome measures which determine whether veterans are
 6 housed and employed within six months after housing and
 7 employment are secured for veterans under such programs.

8 ***Subtitle D—Other Health Care***
 9 ***Provisions***

10 ***SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT***
 11 ***OF VETERANS AFFAIRS FACILITIES FOR EN-***
 12 ***ROLLED VETERANS.***

13 (a) *DEFINITIONS.*—Section 1701 is amended—

14 (1) in paragraph (6)—

15 (A) by striking “and” at the end of sub-
 16 paragraph (A);

17 (B) by striking the period at the end of sub-
 18 paragraph (B) and inserting “; and”; and

19 (C) by inserting after subparagraph (B) the
 20 following new subparagraph:

21 “(C) emergency care, or reimbursement for such
 22 care, as described in sections 1703(a)(3) and
 23 1728(a)(2)(E) of this title.”; and

24 (2) by adding at the end the following new para-
 25 graph:

1 “(10) The term ‘emergency medical condition’
 2 means a medical condition manifesting itself by acute
 3 symptoms of sufficient severity (including severe
 4 pain) such that a prudent layperson, who possesses
 5 an average knowledge of health and medicine, could
 6 reasonably expect the absence of immediate medical
 7 attention to result in—

8 “(A) placing the health of the individual
 9 (or, with respect to a pregnant woman, the
 10 health of the woman or her unborn child) in seri-
 11 ous jeopardy;

12 “(B) serious impairment to bodily func-
 13 tions; or

14 “(C) serious dysfunction of any bodily
 15 organ or part.”.

16 (b) *CONTRACT CARE*.—Section 1703(a)(3) is amended
 17 by striking “medical emergencies” and all that follows
 18 through “health of a veteran” and inserting “an emergency
 19 medical condition of a veteran who is enrolled under section
 20 1705 of this title or who is”.

21 (c) *REIMBURSEMENT OF EXPENSES FOR EMERGENCY*
 22 *CARE*.—Section 1728(a)(2) is amended—

23 (1) by striking “or” before “(D)”; and

24 (2) by inserting before the semicolon at the end
 25 the following: “, or (E) for any emergency medical

1 *condition of a veteran enrolled under section 1705 of*
 2 *this title”.*

3 *(d) PAYMENT PRIORITY.—Section 1705 is amended by*
 4 *adding at the end the following new subsection:*

5 *“(d) The Secretary shall require in a contract under*
 6 *section 1703(a)(3) of this title, and as a condition of pay-*
 7 *ment under section 1728(a)(2) of this title, that payment*
 8 *by the Secretary for treatment under such contract, or*
 9 *under such section, of a veteran enrolled under this section*
 10 *shall be made only after any payment that may be made*
 11 *with respect to such treatment under part A or part B of*
 12 *the Medicare program and after any payment that may be*
 13 *made with respect to such treatment by a third-party insur-*
 14 *ance provider.”.*

15 *(e) EFFECTIVE DATE.—The amendments made by this*
 16 *section shall apply with respect to care or services provided*
 17 *on or after the date of the enactment of this Act.*

18 **SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH**

19 **SERVICES FOR VETERANS.**

20 *(a) IN GENERAL.—(1) Subchapter II of chapter 17 is*
 21 *amended by inserting after section 1712B the following new*
 22 *section:*

1 **“§ 1712C. Specialized mental health services**

2 “(a) *The Secretary shall carry out programs for pur-*
3 *poses of enhancing the provision of specialized mental*
4 *health services to veterans.*

5 “(b) *The programs carried out by the Secretary under*
6 *subsection (a) shall include the following:*

7 “(1) *Programs relating to the treatment of Post*
8 *Traumatic Stress Disorder (PTSD), including pro-*
9 *grams for—*

10 “(A) *the establishment and operation of ad-*
11 *ditional outpatient and residential treatment fa-*
12 *cilities for Post Traumatic Stress Disorder in*
13 *areas that are underserved by existing programs*
14 *relating to Post Traumatic Stress Disorder, as*
15 *determined by qualified mental health personnel*
16 *of the Department who oversee such programs;*

17 “(B) *the provision of services in response to*
18 *the specific needs of veterans with Post Trau-*
19 *matic Stress Disorder and related disorders, in-*
20 *cluding short-term or long-term care services that*
21 *combine residential treatment of Post Traumatic*
22 *Stress Disorder;*

23 “(C) *the provision of Post Traumatic Stress*
24 *Disorder or dedicated case management services*
25 *on an outpatient basis; and*

1 “(D) the enhancement of staffing of existing
 2 programs relating to Post Traumatic Stress Dis-
 3 order which have exceeded the projected work-
 4 loads for such programs.

5 “(2) Programs relating to substance use dis-
 6 orders, including programs for—

7 “(A) the establishment and operation of ad-
 8 ditional Department-based or community-based
 9 residential treatment facilities;

10 “(B) the expansion of the provision of
 11 opioid treatment services, including the establish-
 12 ment and operation of additional programs for
 13 the provision of opioid treatment services; and

14 “(C) the reestablishment or enhancement of
 15 substance use disorder services at facilities at
 16 which such services have been eliminated or cur-
 17 tailed, with an emphasis on the reestablishment
 18 or enhancement of services at facilities where de-
 19 mand for such services is high or which serve
 20 large geographic areas.

21 “(c)(1) The Secretary shall provide for the allocation
 22 of funds for the programs carried out under this section
 23 in a centralized manner.

24 “(2) The allocation of funds for such programs shall—

1 “(A) be based upon an assessment of the need for
2 funds conducted by qualified mental health personnel
3 of the Department who oversee such programs; and

4 “(B) emphasize, to the maximum extent prac-
5 ticable, the availability of funds for the programs de-
6 scribed in paragraphs (1) and (2) of subsection (b).”.

7 (2) The table of sections at the beginning of chapter
8 17 is amended by inserting after the item relating to section
9 1712B the following new item:

 “1712C. Specialized mental health services.”.

10 (b) *REPORT.*—(1) Not later than March 1 of each of
11 2000, 2001, and 2002, the Secretary of Veterans Affairs
12 shall submit to Congress a report on the programs carried
13 out by the Secretary under section 1712C of title 38, United
14 States Code (as added by subsection (a)).

15 (2) The report shall, for the period beginning on the
16 date of the enactment of this Act and ending on the date
17 of the report—

18 (A) describe the programs carried out under such
19 section 1712C;

20 (B) set forth the number of veterans provided
21 services under such programs; and

22 (C) set forth the amounts expended for purposes
23 of carrying out such programs.

1 **SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCO-**
 2 **HOL DEPENDENCY.**

3 *Section 1720A(c) is amended—*

4 *(1) in the first sentence of paragraph (1)—*

5 *(A) by striking “may not be transferred”*
 6 *and inserting “may be transferred”; and*

7 *(B) by striking “unless such transfer is dur-*
 8 *ing the last thirty days of such member’s enlist-*
 9 *ment or tour of duty”; and*

10 *(2) in the first sentence of paragraph (2), by*
 11 *striking “during the last thirty days of such person’s*
 12 *enlistment period or tour of duty”.*

13 **SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AF-**
 14 **FAIRS HEALTH CARE FACILITIES OF**
 15 **AMOUNTS IN MEDICAL CARE COLLECTIONS**
 16 **FUND.**

17 *Section 1729A(d) is amended—*

18 *(1) by striking “(1)”;*

19 *(2) by striking “each designated health care re-*
 20 *gion” and inserting “each Department health care fa-*
 21 *cility”;*

22 *(3) by striking “each region” and inserting*
 23 *“each facility”;*

24 *(4) by striking “such region” both places it ap-*
 25 *pears and inserting “such facility”; and*

26 *(4) by striking paragraph (2).*

1 **SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AU-**
 2 **THORITIES.**

3 (a) *THREE-YEAR EXTENSION OF NEWSLETTER ON*
 4 *MEDICAL CARE.*—Section 105(b)(2) of the Persian Gulf
 5 War Veterans' Benefits Act (title I of Public Law 103–446;
 6 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by strik-
 7 ing “December 31, 1999” and inserting “December 31,
 8 2002”.

9 (b) *THREE-YEAR EXTENSION OF PROGRAM FOR EVAL-*
 10 *UATION OF HEALTH OF SPOUSES AND CHILDREN.*—Section
 11 107(b) of Persian Gulf War Veterans' Benefits Act (title I
 12 of Public Law 103–446; 38 U.S.C. 1117 note) is amended
 13 by striking “December 31, 1999” and inserting “December
 14 31, 2002”.

15 **SEC. 136. REPORT ON COORDINATION OF PROCUREMENT**
 16 **OF PHARMACEUTICALS AND MEDICAL SUP-**
 17 **PLIES BY THE DEPARTMENT OF VETERANS**
 18 **AFFAIRS AND THE DEPARTMENT OF DE-**
 19 **FENSE.**

20 (a) *REQUIREMENT.*—Not later than March 31, 2000,
 21 the Secretary of Veterans Affairs and the Secretary of De-
 22 fense shall jointly submit to the Committees on Veterans'
 23 Affairs and Armed Services of the Senate and the Commit-
 24 tees on Veterans' Affairs and Armed Services of the House
 25 of Representatives a report on the cooperation between the
 26 Department of Veterans Affairs and the Department of De-

1 *fense in the procurement of pharmaceuticals and medical*
 2 *supplies.*

3 (b) *REPORT ELEMENTS.*—*The report under subsection*
 4 *(a) shall include the following:*

5 (1) *A description of the current cooperation be-*
 6 *tween the Department of Veterans Affairs and the De-*
 7 *partment of Defense in the procurement of pharma-*
 8 *ceuticals and medical supplies.*

9 (2) *An assessment of the means by which co-*
 10 *operation between the departments in such procure-*
 11 *ment could be enhanced or improved.*

12 (3) *A description of any existing memoranda of*
 13 *agreement between the Department of Veterans Affairs*
 14 *and the Department of Defense that provide for the*
 15 *cooperation referred to in subsection (a).*

16 (4) *A description of the effects, if any, such*
 17 *agreements will have on current staffing levels at the*
 18 *Defense Supply Center in Philadelphia, Pennsyl-*
 19 *vania, and the Department of Veterans Affairs Na-*
 20 *tional Acquisition Center in Hines, Illinois.*

21 (5) *A description of the effects, if any, of such co-*
 22 *operation on military readiness.*

23 (6) *A comprehensive assessment of cost savings*
 24 *realized and projected over the five fiscal year period*
 25 *beginning in fiscal year 1999 for the Department of*

1 *Veterans Affairs and the Department of Defense as a*
2 *result of such cooperation, and the overall savings to*
3 *the Treasury of the United States as a result of such*
4 *cooperation.*

5 *(7) A list of the types of medical supplies and*
6 *pharmaceuticals for which cooperative agreements*
7 *would not be appropriate and the reason or reasons*
8 *therefor.*

9 *(8) An assessment of the extent to which coopera-*
10 *tive agreements could be expanded to include medical*
11 *equipment, major systems, and durable goods used in*
12 *the delivery of health care by the Department of Vet-*
13 *erans Affairs and the Department of Defense.*

14 *(9) A description of the effects such agreements*
15 *might have on distribution of items purchased coop-*
16 *eratively by the Department of Veterans Affairs and*
17 *the Department of Defense, particularly outside the*
18 *continental United States.*

19 *(10) An assessment of the potential to establish*
20 *common pharmaceutical formularies between the De-*
21 *partment of Veterans Affairs and the Department of*
22 *Defense.*

23 *(11) An explanation of the current Uniform*
24 *Product Number (UPN) requirements of each Depart-*
25 *ment and of any planned standardization of such re-*

1 *quirements between the Departments for medical*
 2 *equipment and durable goods manufacturers.*

3 **SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VET-**
 4 **ERANS LOCATED IN ALASKA.**

5 *(a) PRESERVATION OF CURRENT REIMBURSEMENT*
 6 *RATES.—Notwithstanding any other provision of law, the*
 7 *Secretary of Veterans Affairs shall, for purposes of reim-*
 8 *bursing veterans in Alaska for medical expenses under sec-*
 9 *tion 1728 of title 38, United States Code, during the one-*
 10 *year period beginning on the date of the enactment of this*
 11 *Act, use the fee-for-service payment schedule in effect for*
 12 *such purposes on July 31, 1999, rather than the Partici-*
 13 *pating Physician Fee Schedule under the Medicare pro-*
 14 *gram.*

15 *(b) REPORT.—(1) Not later than 180 days after the*
 16 *date of the enactment of this Act, the Secretary of Veterans*
 17 *Affairs and the Secretary of Health and Human Services*
 18 *shall jointly submit to the Committees on Veterans' Affairs*
 19 *of the Senate and the House of Representatives a report and*
 20 *recommendation on the use of the Participating Physician*
 21 *Fee Schedule under the Medicare program as a means of*
 22 *calculating reimbursement rates for medical expenses of vet-*
 23 *erans located in Alaska under section 1728 of title 38,*
 24 *United States Code.*

25 *(2) The report shall—*

1 (A) assess the differences between health care
2 costs in Alaska and health care costs in the conti-
3 nental United States;

4 (B) describe any differences between the costs of
5 providing health care in Alaska and the reimburse-
6 ment rates for the provision of health care under the
7 Participating Physician Fee Schedule; and

8 (C) assess the effects on health care for veterans
9 in Alaska of implementing the Participating Physi-
10 cian Fee Schedule as a means of calculating reim-
11 bursement rates for medical expenses of veterans lo-
12 cated in Alaska under section 1728 of title 38, United
13 States Code.

14 **SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF**
15 **UNDER SECRETARY FOR HEALTH AND UNDER**
16 **SECRETARY FOR BENEFITS.**

17 (a) *UNDER SECRETARY FOR HEALTH.*—Section 305 is
18 amended—

19 (1) by striking subsection (c); and

20 (2) by redesignating subsection (d) as subsection
21 (c).

22 (b) *UNDER SECRETARY FOR BENEFITS.*—Section 306
23 is amended—

24 (1) by striking subsection (c); and

1 (2) by redesignating subsection (d) as subsection
2 (c).

3 (c) *APPLICABILITY.*—*The amendments made by sub-*
4 *sections (a) and (b) shall take effect on the date of the enact-*
5 *ment of this Act and shall apply with respect to individuals*
6 *appointed as Under Secretary for Health and Under Sec-*
7 *retary for Benefits, respectively, on or after that date.*

8 ***Subtitle E—Major Medical Facility***
9 ***Projects Construction Authoriza-***
10 ***tion***

11 ***SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY***
12 ***PROJECTS.***

13 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
14 *may carry out the following major medical facility projects,*
15 *with each project to be carried out in the amount specified*
16 *for that project:*

17 (1) *Construction of a long term care facility at*
18 *the Department of Veterans Affairs Medical Center,*
19 *Lebanon, Pennsylvania, in an amount not to exceed*
20 *\$14,500,000.*

21 (2) *Renovations and environmental improve-*
22 *ments at the Department of Veterans Affairs Medical*
23 *Center, Fargo, North Dakota, in an amount not to ex-*
24 *ceed \$12,000,000.*

1 (3) *Construction of a surgical suite and post-an-*
 2 *esthesia care unit at the Department of Veterans Af-*
 3 *airs Medical Center, Kansas City, Missouri, in an*
 4 *amount not to exceed \$13,000,000.*

5 (b) *AUTHORIZATION OF APPROPRIATIONS.—*

6 (1) *IN GENERAL.—There is authorized to be ap-*
 7 *propriated to the Secretary of Veterans Affairs for fis-*
 8 *cal year 2000 for the Construction, Major Projects,*
 9 *Account \$213,100,000 for the projects authorized in*
 10 *subsection (a) and for the continuation of projects au-*
 11 *thorized in section 701(a) of the Veterans Programs*
 12 *Enhancement Act of 1998 (Public Law 105–368; 112*
 13 *Stat. 3348).*

14 (2) *LIMITATION ON FISCAL YEAR 2000*
 15 *PROJECTS.—The projects authorized in subsection (a)*
 16 *may only be carried out using—*

17 (A) *funds appropriated for fiscal year 2000*
 18 *pursuant to the authorizations of appropriations*
 19 *in subsection (a);*

20 (B) *funds appropriated for Construction,*
 21 *Major Projects, for a fiscal year before fiscal year*
 22 *2000 that remain available for obligation; and*

23 (C) *funds appropriated for Construction,*
 24 *Major Projects, for fiscal year 2000 for a cat-*
 25 *egory of activity not specific to a project.*

1 (c) *AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999*
2 *PROJECTS.*—Section 703(b)(1) of the Veterans Programs
3 *Enhancement Act of 1998 (112 Stat. 3349) is amended—*
4 (1) *by redesignating subparagraphs (B) and (C)*
5 *as subparagraphs (C) and (D), respectively; and*
6 (2) *by inserting after subparagraph (A) the fol-*
7 *lowing new subparagraph (B):*
8 “(B) *funds appropriated for fiscal year 2000*
9 *pursuant to the authorization of appropriations in*
10 *section 341(b)(1) of the Veterans Benefits Act of*
11 *1999;”.*

12 ***TITLE II—BENEFITS MATTERS***

13 ***SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS*** 14 ***FOR CERTAIN FILIPINO VETERANS.***

15 (a) *PAYMENT RATE.*—Section 107 is amended—
16 (1) *in subsection (a), by striking “Payments”*
17 *and inserting “Subject to subsection (c), payments”;*
18 *and*
19 (2) *by adding at the end the following:*
20 “(c)(1) *In the case of an individual described in para-*
21 *graph (2), payments under section 2302 or 2303 of this title*
22 *by reason of subsection (a)(3) shall be made at the rate of*
23 *\$1 for each dollar authorized.*
24 “(2) *Paragraph (1) applies to any individual whose*
25 *service is described in subsection (a) and who dies after the*

1 *date of the enactment of the Veterans Benefits Act of 1999*
 2 *if the individual, on the individual's date of death—*

3 *“(A) is a citizen of the United States;*

4 *“(B) is residing in the United States; and*

5 *“(C) either—*

6 *“(i) is receiving compensation under chap-*
 7 *ter 11 of this title; or*

8 *“(ii) if such service had been deemed to be*
 9 *active military, naval, or air service, would have*
 10 *been paid pension under section 1521 of this title*
 11 *without denial or discontinuance by reason of*
 12 *section 1522 of this title.”.*

13 *(b) APPLICABILITY.—No benefits shall accrue to any*
 14 *person for any period before the date of the enactment of*
 15 *this Act by reason of the amendments made by subsection*
 16 *(a).*

17 **SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A RE-**
 18 **GIONAL OFFICE IN THE REPUBLIC OF THE**
 19 **PHILIPPINES.**

20 *Section 315(b) is amended by striking “December 31,*
 21 *1999” and inserting “December 31, 2004”.*

22 **SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINOR-**
 23 **ITY VETERANS.**

24 *Section 544(e) is amended by striking “December 31,*
 25 *1999” and inserting “December 31, 2004”.*

1 **SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION**
 2 **FOR SURVIVING SPOUSES OF FORMER PRIS-**
 3 **ONERS OF WAR.**

4 (a) *ELIGIBILITY.*—Section 1318(b) is amended—

5 (1) by striking “that either—” in the matter
 6 preceding paragraph (1) and inserting “rated totally
 7 disabling if—”; and

8 (2) by adding at the end the following new para-
 9 graph:

10 “(3) the veteran was a former prisoner of war
 11 who died after September 30, 1999, and whose dis-
 12 ability was continuously rated totally disabling for a
 13 period of one year immediately preceding death.”.

14 (b) *CONFORMING AMENDMENTS.*—Such section is fur-
 15 ther amended—

16 (1) in paragraph (1)—

17 (A) by inserting “the disability” after
 18 “(1)”; and

19 (B) by striking “or” after “death;”; and

20 (2) in paragraph (2)—

21 (A) by striking “if so rated for a lesser pe-
 22 riod, was so rated continuously” and inserting
 23 “the disability was continuously rated totally
 24 disabling”; and

25 (B) by striking the period at the end and
 26 inserting “; or”.

1 **SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
 2 **FITS TO INCOMPETENT INSTITUTIONALIZED**
 3 **VETERANS.**

4 *Section 5503 is amended—*

5 *(1) by striking subsections (b) and (c); and*

6 *(2) by redesignating subsections (d), (e), and (f)*

7 *as subsections (b), (c), and (d), respectively.*

8 **SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OP-**
 9 **PORTUNITIES.**

10 *(a) CLARIFICATION.—Section 3304(f) of title 5, United*
 11 *States Code, is amended—*

12 *(1) by striking paragraph (4);*

13 *(2) by redesignating paragraphs (2) and (3) as*
 14 *paragraphs (3) and (4), respectively; and*

15 *(3) by inserting after paragraph (1) the fol-*
 16 *lowing new paragraph (2):*

17 *“(2) If selected, a preference eligible or veteran de-*
 18 *scribed in paragraph (1) shall acquire competitive status*
 19 *and shall receive a career or career-conditional appoint-*
 20 *ment, as appropriate.”.*

21 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 22 *section (a) shall take effect as if included in the amendment*
 23 *made to section 3304 of title 5, United States Code, by sec-*
 24 *tion 2 of the Veterans Employment Opportunities Act of*
 25 *1998 (Public Law 105–339; 112 Stat. 3182), to which such*
 26 *amendments relate.*

1 **TITLE III—MEMORIAL AFFAIRS**
 2 **Subtitle A—Arlington National**
 3 **Cemetery**

4 **SEC. 301. SHORT TITLE.**

5 *This subtitle may be cited as the “Arlington National*
 6 *Cemetery Burial and Inurnment Eligibility Act of 1999”.*

7 **SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON**
 8 **NATIONAL CEMETERY.**

9 *(a) IN GENERAL.—(1) Chapter 24 is amended by add-*
 10 *ing at the end the following new section:*

11 **“§2412. Arlington National Cemetery: persons eligible**
 12 **for burial**

13 *“(a) PRIMARY ELIGIBILITY.—The remains of the fol-*
 14 *lowing individuals may be buried in Arlington National*
 15 *Cemetery:*

16 *“(1) Any member of the Armed Forces who dies*
 17 *while on active duty.*

18 *“(2) Any retired member of the Armed Forces*
 19 *and any person who served on active duty and at the*
 20 *time of death was entitled (or but for age would have*
 21 *been entitled) to retired pay under chapter 1223 of*
 22 *title 10.*

23 *“(3) Any former member of the Armed Forces*
 24 *separated for physical disability before October 1,*
 25 *1949, who—*

1 “(A) served on active duty; and

2 “(B) would have been eligible for retirement
3 under the provisions of section 1201 of title 10
4 (relating to retirement for disability) had that
5 section been in effect on the date of separation of
6 the member.

7 “(4) Any former member of the Armed Forces
8 whose last active duty military service terminated
9 honorably and who has been awarded one of the fol-
10 lowing decorations:

11 “(A) Medal of Honor.

12 “(B) Distinguished Service Cross, Air Force
13 Cross, or Navy Cross.

14 “(C) Distinguished Service Medal.

15 “(D) Silver Star.

16 “(E) Purple Heart.

17 “(5) Any former prisoner of war who dies on or
18 after November 30, 1993.

19 “(6) The President or any former President.

20 “(7) Any former member of the Armed Forces
21 whose last discharge or separation from active duty
22 was under honorable conditions and who is or was
23 one of the following:

24 “(A) Vice President.

25 “(B) Member of Congress.

1 “(C) *Chief Justice or Associate Justice of*
2 *the Supreme Court.*

3 “(D) *The head of an Executive department*
4 *(as such departments are listed in section 101 of*
5 *title 5).*

6 “(E) *An individual who served in the for-*
7 *ign or national security services, if such indi-*
8 *vidual died as a result of a hostile action outside*
9 *the United States in the course of such service.*

10 “(8) *Any individual whose eligibility is author-*
11 *ized in accordance with subsection (b).*

12 “(b) *ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1)*
13 *In the case of a former member of the Armed Forces not*
14 *otherwise covered by subsection (a) whose last discharge or*
15 *separation from active duty was under honorable condi-*
16 *tions, if the Secretary of Defense makes a determination re-*
17 *ferred to in paragraph (3) with respect to such member,*
18 *the Secretary of Defense may authorize the burial of the*
19 *remains of such former member in Arlington National Cem-*
20 *etry under subsection (a)(8).*

21 “(2) *In the case of any individual not otherwise cov-*
22 *ered by subsection (a) or paragraph (1), if the President*
23 *makes a determination referred to in paragraph (3) with*
24 *respect to such individual, the President may authorize the*

1 *burial of the remains of such individual in Arlington Na-*
 2 *tional Cemetery under subsection (a)(8).*

3 “(3) *A determination referred to in paragraph (1) or*
 4 *(2) is a determination that the acts, service, or other con-*
 5 *tributions to the Nation of the former member or individual*
 6 *concerned are of equal or similar merit to the acts, service,*
 7 *or other contributions to the Nation of any of the persons*
 8 *listed in subsection (a).*

9 “(4)(A) *In the case of an authorization for burial*
 10 *under this subsection, the President or the Secretary of De-*
 11 *fense, as the case may be, shall submit to the Committees*
 12 *on Veterans’ Affairs of the Senate and the House of Rep-*
 13 *resentatives a report on the authorization not later than*
 14 *72 hours after the authorization.*

15 “(B) *Each report under subparagraph (A) shall—*

16 “(i) *identify the individual authorized for bur-*
 17 *ial; and*

18 “(ii) *provide a justification for the authorization*
 19 *for burial.*

20 “(5)(A) *In the case of an authorization for burial*
 21 *under this subsection, the President or the Secretary of De-*
 22 *fense, as the case may be, shall publish in the Federal Reg-*
 23 *ister a notice of the authorization as soon as practicable*
 24 *after the authorization.*

25 “(B) *Each notice under subparagraph (A) shall—*

1 “(i) identify the individual authorized for bur-
2 ial; and

3 “(ii) provide a justification for the authorization
4 for burial.

5 “(c) *ELIGIBILITY OF FAMILY MEMBERS.*—*The remains*
6 *of the following individuals may be buried in Arlington Na-*
7 *tional Cemetery:*

8 “(1)(A) *Except as provided in subparagraph*
9 *(B), the spouse, surviving spouse, minor child, and, at*
10 *the discretion of the Superintendent, unmarried adult*
11 *child of a person listed in subsection (a), but only if*
12 *buried in the same gravesite as that person.*

13 “(B) *In a case under subparagraph (A) in which*
14 *the same gravesite may not be used due to insufficient*
15 *space, a person otherwise eligible under that subpara-*
16 *graph may be interred in a gravesite adjoining the*
17 *gravesite of the person listed in subsection (a) if space*
18 *in such adjoining gravesite had been reserved for the*
19 *burial of such person otherwise eligible under that*
20 *subparagraph before January 1962.*

21 “(2)(A) *The spouse, minor child, and, at the dis-*
22 *cretion of the Superintendent, unmarried adult child*
23 *of a member of the Armed Forces on active duty if*
24 *such spouse, minor child, or unmarried adult child*
25 *dies while such member is on active duty.*

1 “(B) *The individual whose spouse, minor child,*
2 *and unmarried adult child is eligible under subpara-*
3 *graph (A), but only if buried in the same gravesite*
4 *as the spouse, minor child, or unmarried adult child.*

5 “(3) *The parents of a minor child or unmarried*
6 *adult child whose remains, based on the eligibility of*
7 *a parent, are already buried in Arlington National*
8 *Cemetery, but only if buried in the same gravesite as*
9 *that minor child or unmarried adult child.*

10 “(4)(A) *Subject to subparagraph (B), the sur-*
11 *living spouse, minor child, and, at the discretion of*
12 *the Superintendent, unmarried adult child of a mem-*
13 *ber of the Armed Forces who was lost, buried at sea,*
14 *or officially determined to be permanently absent in*
15 *a status of missing or missing in action.*

16 “(B) *A person is not eligible under subpara-*
17 *graph (A) if a memorial to honor the memory of the*
18 *member is placed in a cemetery in the national ceme-*
19 *tery system, unless the memorial is removed. A memo-*
20 *rial removed under this subparagraph may be placed,*
21 *at the discretion of the Superintendent, in Arlington*
22 *National Cemetery.*

23 “(5) *The surviving spouse, minor child, and, at*
24 *the discretion of the Superintendent, unmarried adult*
25 *child of a member of the Armed Forces buried in a*

1 *cemetery under the jurisdiction of the American Bat-*
 2 *tle Monuments Commission.*

3 “(d) *SPOUSES.—For purposes of subsection (c)(1), a*
 4 *surviving spouse of a person whose remains are buried in*
 5 *Arlington National Cemetery by reason of eligibility under*
 6 *subsection (a) who has remarried is eligible for burial in*
 7 *the same gravesite of that person. The spouse of the sur-*
 8 *living spouse is not eligible for burial in such gravesite.*

9 “(e) *DISABLED ADULT UNMARRIED CHILDREN.—In*
 10 *the case of an unmarried adult child who is incapable of*
 11 *self-support up to the time of death because of a physical*
 12 *or mental condition, the child may be buried under sub-*
 13 *section (c) without requirement for approval by the Super-*
 14 *intendent under that subsection if the burial is in the same*
 15 *gravesite as the gravesite in which the parent, who is eligi-*
 16 *ble for burial under subsection (a), has been or will be bur-*
 17 *ied.*

18 “(f) *FAMILY MEMBERS OF PERSONS BURIED IN A*
 19 *GROUP GRAVESITE.—In the case of a person eligible for*
 20 *burial under subsection (a) who is buried in Arlington Na-*
 21 *tional Cemetery as part of a group burial, the surviving*
 22 *spouse, minor child, or unmarried adult child of the mem-*
 23 *ber may not be buried in the group gravesite.*

24 “(g) *EXCLUSIVE AUTHORITY FOR BURIAL IN ARLING-*
 25 *TON NATIONAL CEMETERY.—Eligibility for burial of re-*

1 *mains in Arlington National Cemetery prescribed under*
 2 *this section is the exclusive eligibility for such burial.*

3 “(h) *APPLICATION FOR BURIAL.*—*A request for burial*
 4 *of remains of an individual in Arlington National Ceme-*
 5 *tery made before the death of the individual may not be*
 6 *considered by the Secretary of the Army, the Secretary of*
 7 *Defense, or any other responsible official.*

8 “(i) *REGISTER OF BURIED INDIVIDUALS.*—(1) *The*
 9 *Secretary of the Army shall maintain a register of each in-*
 10 *dividual buried in Arlington National Cemetery and shall*
 11 *make such register available to the public.*

12 “(2) *With respect to each such individual buried on*
 13 *or after January 1, 1998, the register shall include a brief*
 14 *description of the basis of eligibility of the individual for*
 15 *burial in Arlington National Cemetery.*

16 “(j) *DEFINITIONS.*—*For purposes of this section:*

17 “(1) *The term ‘retired member of the Armed*
 18 *Forces’ means—*

19 “(A) *any member of the Armed Forces on a*
 20 *retired list who served on active duty and who*
 21 *is entitled to retired pay;*

22 “(B) *any member of the Fleet Reserve or*
 23 *Fleet Marine Corps Reserve who served on active*
 24 *duty and who is entitled to retainer pay; and*

1 “(C) *any member of a reserve component of*
 2 *the Armed Forces who has served on active duty*
 3 *and who has received notice from the Secretary*
 4 *concerned under section 12731(d) of title 10 of*
 5 *eligibility for retired pay under chapter 1223 of*
 6 *title 10.*

7 “(2) *The term ‘former member of the Armed*
 8 *Forces’ includes a person whose service is considered*
 9 *active duty service pursuant to a determination of the*
 10 *Secretary of Defense under section 401 of Public Law*
 11 *95–202 (38 U.S.C. 106 note).*

12 “(3) *The term ‘Superintendent’ means the Su-*
 13 *perintendent of Arlington National Cemetery.’.*

14 “(2) *The table of sections at the beginning of chapter*
 15 *24 is amended by adding at the end the following new item:*

“2412. Arlington National Cemetery: persons eligible for burial.”.

16 “(b) *PUBLICATION OF UPDATED PAMPHLET.—Not later*
 17 *than 180 days after the date of enactment of this Act, the*
 18 *Secretary of the Army shall publish an updated pamphlet*
 19 *describing eligibility for burial in Arlington National Cem-*
 20 *etry. The pamphlet shall reflect the provisions of section*
 21 *2412 of title 38, United States Code, as added by subsection*
 22 *(a).*

23 “(c) *TECHNICAL AMENDMENTS.—Section 2402(7) is*
 24 *amended—*

1 (1) by inserting “(or but for age would have been
2 entitled)” after “was entitled”;

3 (2) by striking “chapter 67” and inserting
4 “chapter 1223”; and

5 (3) by striking “or would have been entitled to”
6 and all that follows and inserting a period.

7 (d) *EFFECTIVE DATE*.—Section 2412 of title 38,
8 United States Code, as added by subsection (a), shall apply
9 with respect to individuals dying on or after the date of
10 the enactment of this Act.

11 **SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COL-**
12 **UMBARIUM IN ARLINGTON NATIONAL CEME-**
13 **TERY.**

14 (a) *IN GENERAL*.—(1) Chapter 24 is amended by add-
15 ing after section 2412, as added by section 302(a)(1) of this
16 Act, the following new section:

17 **“§2413. Arlington National Cemetery: persons eligible**
18 **for placement in columbarium**

19 “(a) *ELIGIBILITY*.—The cremated remains of the fol-
20 lowing individuals may be placed in the columbarium in
21 Arlington National Cemetery:

22 “(1) A person eligible for burial in Arlington
23 National Cemetery under section 2412 of this title.

1 “(2)(A) *A veteran whose last period of active*
 2 *duty service (other than active duty for training)*
 3 *ended honorably.*

4 “(B) *The spouse, surviving spouse, minor child,*
 5 *and, at the discretion of the Superintendent of Arling-*
 6 *ton National Cemetery, unmarried adult child of such*
 7 *a veteran.*

8 “(b) *SPOUSE.—Section 2412(d) of this title shall apply*
 9 *to a spouse under this section in the same manner as it*
 10 *applies to a spouse under section 2412 of this title.”.*

11 (2) *The table of sections at the beginning of chapter*
 12 *24 is amended by adding after section 2412, as added by*
 13 *section 302(a)(2) of this Act, the following new item:*

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”.

14 (b) *EFFECTIVE DATE.—Section 2413 of title 38,*
 15 *United States Code, as added by subsection (a), shall apply*
 16 *with respect to individuals dying on or after the date of*
 17 *the enactment of this Act.*

18 ***Subtitle B—World War II Memorial***

19 ***SEC. 311. SHORT TITLE.***

20 *This subtitle may be cited as the “World War II Memo-*
 21 *rial Completion Act”.*

1 **SEC. 312. FUND RAISING BY AMERICAN BATTLE MONU-**
 2 **MENTS COMMISSION FOR WORLD WAR II ME-**
 3 **MORIAL.**

4 (a) *CODIFICATION OF EXISTING AUTHORITY; EXPAN-*
 5 *SION OF AUTHORITY.*—(1) *Chapter 21 of title 36, United*
 6 *States Code, is amended by adding at the end the following*
 7 *new section:*

8 **“§2113. World War II memorial in the District of Co-**
 9 **lumbia**

10 “(a) *DEFINITIONS.*—*In this section:*

11 “(1) *The term ‘World War II memorial’ means*
 12 *the memorial authorized by Public Law 103–32 (107*
 13 *Stat. 90) to be established by the American Battle*
 14 *Monuments Commission on Federal land in the Dis-*
 15 *trict of Columbia or its environs to honor members of*
 16 *the Armed Forces who served in World War II and*
 17 *to commemorate the participation of the United*
 18 *States in that war.*

19 “(2) *The term ‘Commission’ means the American*
 20 *Battle Monuments Commission.*

21 “(3) *The term ‘memorial fund’ means the fund*
 22 *created by subsection (c).*

23 “(b) *SOLICITATION AND ACCEPTANCE OF CONTRIBU-*
 24 *TIONS.*—*Consistent with the authority of the Commission*
 25 *under section 2103(e) of this title, the Commission shall so-*

1 *licit and accept contributions for the World War II memo-*
 2 *rial.*

3 “(c) *CREATION OF MEMORIAL FUND.*—(1) *There is*
 4 *hereby created in the Treasury a fund for the World War*
 5 *II memorial, which shall consist of the following:*

6 “(A) *Amounts deposited, and interest and pro-*
 7 *ceeds credited, under paragraph (2).*

8 “(B) *Obligations obtained under paragraph (3).*

9 “(C) *The amount of surcharges paid to the Com-*
 10 *mission for the World War II memorial under the*
 11 *World War II 50th Anniversary Commemorative*
 12 *Coins Act.*

13 “(D) *Amounts borrowed using the authority pro-*
 14 *vided under subsection (e).*

15 “(E) *Any funds received by the Commission*
 16 *under section 2103(l) of this title in exchange for use*
 17 *of, or the right to use, any mark, copyright or patent.*

18 “(2) *The Chairman of the Commission shall deposit*
 19 *in the memorial fund the amounts accepted as contributions*
 20 *under subsection (b). The Secretary of the Treasury shall*
 21 *credit to the memorial fund the interest on, and the proceeds*
 22 *from sale or redemption of, obligations held in the memorial*
 23 *fund.*

24 “(3) *The Secretary of the Treasury shall invest any*
 25 *portion of the memorial fund that, as determined by the*

1 *Chairman of the Commission, is not required to meet cur-*
 2 *rent expenses. Each investment shall be made in an interest*
 3 *bearing obligation of the United States or an obligation*
 4 *guaranteed as to principal and interest by the United*
 5 *States that, as determined by the Chairman of the Commis-*
 6 *sion, has a maturity suitable for the memorial fund.*

7 “(d) *USE OF MEMORIAL FUND.*—*The memorial fund*
 8 *shall be available to the Commission for—*

9 “(1) *the expenses of establishing the World War*
 10 *II memorial, including the maintenance and preser-*
 11 *vation amount provided for in section 8(b) of the*
 12 *Commemorative Works Act (40 U.S.C. 1008(b));*

13 “(2) *such other expenses, other than routine*
 14 *maintenance, with respect to the World War II memo-*
 15 *rial as the Commission considers warranted; and*

16 “(3) *to secure, obtain, register, enforce, protect,*
 17 *and license any mark, copyright or patent that is*
 18 *owned by, assigned to, or licensed to the Commission*
 19 *under section 2103(l) of this title to aid or facilitate*
 20 *the construction of the World War II memorial.*

21 “(e) *SPECIAL BORROWING AUTHORITY.*—(1) *To assure*
 22 *that groundbreaking, construction, and dedication of the*
 23 *World War II memorial are completed on a timely basis,*
 24 *the Commission may borrow money from the Treasury of*
 25 *the United States in such amounts as the Commission con-*

1 *siders necessary, but not to exceed a total of \$65,000,000.*
2 *Borrowed amounts shall bear interest at a rate determined*
3 *by the Secretary of the Treasury, taking into consideration*
4 *the average market yield on outstanding marketable obliga-*
5 *tions of the United States of comparable maturities during*
6 *the month preceding the month in which the obligations of*
7 *the Commission are issued. The interest payments on such*
8 *obligations may be deferred with the approval of the Sec-*
9 *retary of the Treasury, but any interest payment so deferred*
10 *shall also bear interest.*

11 “(2) *The borrowing of money by the Commission under*
12 *paragraph (1) shall be subject to such maturities, terms,*
13 *and conditions as may be agreed upon by the Commission*
14 *and the Secretary of the Treasury, except that the matu-*
15 *rities may not exceed 20 years and such borrowings may*
16 *be redeemable at the option of the Commission before matu-*
17 *rity.*

18 “(3) *The obligations of the Commission shall be issued*
19 *in amounts and at prices approved by the Secretary of the*
20 *Treasury. The authority of the Commission to issue obliga-*
21 *tions under this subsection shall remain available without*
22 *fiscal year limitation. The Secretary of the Treasury shall*
23 *purchase any obligations of the Commission to be issued*
24 *under this subsection, and for such purpose the Secretary*
25 *of the Treasury may use as a public debt transaction of*

1 *the United States the proceeds from the sale of any securi-*
 2 *ties issued under chapter 31 of title 31. The purposes for*
 3 *which securities may be issued under such chapter are ex-*
 4 *tended to include any purchase of the Commission's obliga-*
 5 *tions under this subsection.*

6 “(4) *Repayment of the interest and principal on any*
 7 *funds borrowed by the Commission under paragraph (1)*
 8 *shall be made from amounts in the memorial fund. The*
 9 *Commission may not use for such purpose any funds appro-*
 10 *priated for any other activities of the Commission.*

11 “(f) *TREATMENT OF BORROWING AUTHORITY.—In de-*
 12 *termining whether the Commission has sufficient funds to*
 13 *complete construction of the World War II memorial, as re-*
 14 *quired by section 8 of the Commemorative Works Act (40*
 15 *U.S.C. 1008), the Secretary of the Interior shall consider*
 16 *the funds that the Commission may borrow from the Treas-*
 17 *ury under subsection (e) as funds available to complete con-*
 18 *struction of the memorial, whether or not the Commission*
 19 *has actually exercised the authority to borrow such funds.*

20 “(g) *VOLUNTARY SERVICES.—(1) Notwithstanding sec-*
 21 *tion 1342 of title 31, the Commission may accept from any*
 22 *person voluntary services to be provided in furtherance of*
 23 *the fund-raising activities of the Commission relating to the*
 24 *World War II memorial.*

1 “(2) *A person providing voluntary services under this*
2 *subsection shall be considered to be a Federal employee for*
3 *purposes of chapter 81 of title 5, relating to compensation*
4 *for work-related injuries, and chapter 171 of title 28, relat-*
5 *ing to tort claims. A volunteer who is not otherwise em-*
6 *ployed by the Federal Government shall not be considered*
7 *to be a Federal employee for any other purpose by reason*
8 *of the provision of such voluntary service, except that any*
9 *volunteers given responsibility for the handling of funds or*
10 *the carrying out of a Federal function are subject to the*
11 *conflict of interest laws contained in chapter 11 of title 18,*
12 *and the administrative standards of conduct contained in*
13 *part 2635 of title 5, Code of Federal Regulations.*

14 “(3) *The Commission may provide for reimbursement*
15 *of incidental expenses which are incurred by a person pro-*
16 *viding voluntary services under this subsection. The Com-*
17 *mission shall determine which expenses are eligible for re-*
18 *imbursement under this paragraph.*

19 “(4) *Nothing in this subsection shall be construed to*
20 *require Federal employees to work without compensation or*
21 *to allow the use of volunteer services to displace or replace*
22 *Federal employees.*

23 “(h) *TREATMENT OF CERTAIN CONTRACTS.—A con-*
24 *tract entered into by the Commission for the design or con-*
25 *struction of the World War II memorial is not a funding*

1 *agreement as that term is defined in section 201 of title*
 2 *35.*

3 “(i) *EXTENSION OF AUTHORITY TO ESTABLISH ME-*
 4 *MORIAL.*—Notwithstanding section 10 of the *Commemora-*
 5 *tive Works Act (40 U.S.C. 1010), the legislative authoriza-*
 6 *tion for the construction of the World War II memorial con-*
 7 *tained in Public Law 103–32 (107 Stat. 90) shall not ex-*
 8 *pire until December 31, 2005.*”.

9 (2) *The table of sections at the beginning of chapter*
 10 *21 of title 36, United States Code, is amended by adding*
 11 *at the end the following new item:*

“2113. *World War II memorial in the District of Columbia.*”.

12 (b) *CONFORMING AMENDMENTS.*—Public Law 103–32
 13 *(107 Stat. 90) is amended by striking sections 3, 4, and*
 14 *5.*

15 (c) *EFFECT OF REPEAL OF CURRENT MEMORIAL*
 16 *FUND.*—Upon the date of the enactment of this Act, the *Sec-*
 17 *retary of the Treasury shall transfer amounts in the fund*
 18 *created by section 4(a) of Public Law 103–32 (107 Stat.*
 19 *91) to the fund created by section 2113 of title 36, United*
 20 *States Code, as added by subsection (a).*

21 **SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE**
 22 **MONUMENTS COMMISSION TO SOLICIT AND**
 23 **RECEIVE CONTRIBUTIONS.**

24 Subsection (e) of section 2103 of title 36, United States
 25 Code, is amended to read as follows:

1 “(e) *SOLICITATION AND RECEIPT OF CONTRIBU-*
 2 *TIONS.—(1) The Commission may solicit and receive funds*
 3 *and in-kind donations and gifts from any State, municipal,*
 4 *or private source to carry out the purposes of this chapter.*
 5 *The Commission shall deposit such funds in a separate ac-*
 6 *count in the Treasury. Funds from this account shall be*
 7 *disbursed upon vouchers approved by the Chairman of the*
 8 *Commission as well as by a Federal official authorized to*
 9 *sign payment vouchers.*

10 “(2) *The Commission shall establish written guidelines*
 11 *setting forth the criteria to be used in determining whether*
 12 *the acceptance of funds and in-kind donations and gifts*
 13 *under paragraph (1) would—*

14 “(A) *reflect unfavorably on the ability of the*
 15 *Commission, or any employee of the Commission, to*
 16 *carry out the responsibilities or official duties of the*
 17 *Commission in a fair and objective manner; or*

18 “(B) *compromise the integrity or the appearance*
 19 *of the integrity of the programs of the Commission or*
 20 *any official involved in those programs.”.*

21 **SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

22 *Section 2103 of title 36, United States Code, is amend-*
 23 *ed by adding at the end the following new subsection:*

24 “(l) *INTELLECTUAL PROPERTY AND RELATED*
 25 *ITEMS.—(1) The Commission may—*

1 “(A) adopt, use, register, and license trademarks,
2 service marks, and other marks;

3 “(B) obtain, use, register, and license the use of
4 copyrights consistent with section 105 of title 17;

5 “(C) obtain, use, and license patents; and

6 “(D) accept gifts of marks, copyrights, patents
7 and licenses for use by the Commission.

8 “(2) The Commission may grant exclusive and non-
9 exclusive licenses in connection with any mark, copyright,
10 patent, or license for the use of such mark, copyright or
11 patent, except to extent the grant of such license by the Com-
12 mission would be contrary to any contract or license by
13 which the use of such mark, copyright or patent was ob-
14 tained.

15 “(3) The Commission may enforce any mark, copy-
16 right, or patent by an action in the district courts under
17 any law providing for the protection of such marks, copy-
18 rights, or patents.

19 “(4) The Attorney General shall furnish the Commis-
20 sion with such legal representation as the Commission may
21 require under paragraph (3). The Secretary of Defense shall
22 provide representation for the Commission in administra-
23 tive proceedings before the Patent and Trademark Office
24 and Copyright Office.

1 “(5) Section 203 of title 17 shall not apply to any
2 copyright transferred in any manner to the Commission.”.

3 **TITLE IV—UNITED STATES**
4 **COURT OF APPEALS FOR VET-**
5 **ERANS CLAIMS**

6 **SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF**
7 **UNITED STATES COURT OF APPEALS FOR**
8 **VETERANS CLAIMS UPON EXPIRATION OF**
9 **THEIR TERMS OR RETIREMENT.**

10 (a) *AUTHORITY FOR TEMPORARY SERVICE.*—(1) *Not-*
11 *withstanding subsection (c) of section 7253 of title 38,*
12 *United States Code, and subject to the provisions of this*
13 *section, a judge of the Court whose term on the Court ex-*
14 *pires in 2004 or 2005 and completes such term, or who re-*
15 *tires from the Court under section 7296(b)(1) of such title,*
16 *may continue to serve on the Court after the expiration of*
17 *the judge’s term or retirement, as the case may be, without*
18 *reappointment for service on the Court under such section*
19 *7253.*

20 (2) *A judge may continue to serve on the Court under*
21 *paragraph (1) only if the judge submits to the chief judge*
22 *of the Court written notice of an election to so serve 30 days*
23 *before the earlier of—*

24 (A) *the expiration of the judge’s term on the*
25 *Court as described in that paragraph; or*

1 (B) the date on which the judge meets the age
2 and service requirements for eligibility for retirement
3 set forth in section 7296(b)(1) of such title.

4 (3) The total number of judges serving on the Court
5 at any one time, including the judges serving under this
6 section, may not exceed 7.

7 (b) *PERIOD OF TEMPORARY SERVICE.*—(1) The service
8 of a judge on the Court under this section may continue
9 until the earlier of—

10 (A) the date that is 30 days after the date on
11 which the chief judge of the Court submits to the
12 President and Congress a written certification based
13 on the projected caseload of the Court that the work
14 of the Court can be performed in a timely and effi-
15 cient manner by judges of the Court under this sec-
16 tion who are senior on the Court to the judge electing
17 to continue to provide temporary service under this
18 section or without judges under this section; or

19 (B) the date on which the person appointed to
20 the position on the Court occupied by the judge under
21 this section is qualified for the position.

22 (2) Subsections (f) and (g) of section 7253 of title 38,
23 United States Code, shall apply with respect to the service
24 of a judge on the Court under this section.

1 (c) *TEMPORARY SERVICE IN OTHER POSITIONS.*—(1)

2 *If on the date that the person appointed to the position on*
 3 *the Court occupied by a judge under this section is qualified*
 4 *another position on the Court is vacant, the judge may serve*
 5 *in such other position under this section.*

6 (2) *If two or more judges seek to serve in a position*
 7 *on the Court in accordance with paragraph (1), the judge*
 8 *senior in service on the Court shall serve in the position*
 9 *under that paragraph.*

10 (d) *COMPENSATION.*—(1) *Notwithstanding any other*
 11 *provision of law, a person whose service as a judge of the*
 12 *Court continues under this section shall be paid for the pe-*
 13 *riod of service under this section an amount as follows:*

14 (A) *In the case of a person eligible to receive re-*
 15 *tired pay under subchapter V of chapter 72 of title*
 16 *38, United States Code, or a retirement annuity*
 17 *under subchapter III of chapter 83 or subchapter II*
 18 *of chapter 84 of title 5, United States Code, as appli-*
 19 *cable, an amount equal to one-half of the amount of*
 20 *the current salary payable to a judge of the Court*
 21 *under chapter 72 of title 38, United States Code, hav-*
 22 *ing a status on the Court equivalent to the highest*
 23 *status on the Court attained by the person.*

24 (B) *In the case of a person not eligible to receive*
 25 *such retired pay or such retirement annuity, an*

1 *amount equal to the amount of current salary pay-*
 2 *able to a judge of the Court under such chapter 72*
 3 *having a status on the Court equivalent to the highest*
 4 *status on the Court attained by the person.*

5 *(2) Amounts paid under this subsection to a person*
 6 *described in paragraph (1)(A)—*

7 *(A) shall not be treated as—*

8 *(i) compensation for employment with the*
 9 *United States for purposes of section 7296(e) of*
 10 *title 38, United States Code, or any provision of*
 11 *title 5, United States Code, relating to the re-*
 12 *ceipt or forfeiture of retired pay or retirement*
 13 *annuities by a person accepting compensation*
 14 *for employment with the United States; or*

15 *(ii) pay for purposes of deductions or con-*
 16 *tributions for or on behalf of the person to re-*
 17 *tired pay under subchapter V of chapter 72 of*
 18 *title 38, United States Code, or under chapter 83*
 19 *or 84 of title 5, United States Code, as applica-*
 20 *ble; but*

21 *(B) may, at the election of the person, be treated*
 22 *as pay for purposes of deductions or contributions for*
 23 *or on behalf of the person to a retirement or other an-*
 24 *nuity, or both, under subchapter V of chapter 72 of*

1 *title 38, United States Code, or under chapter 83 or*
 2 *84 of title 5, United States Code, as applicable.*

3 *(3) Amounts paid under this subsection to a person*
 4 *described in paragraph (1)(B) shall be treated as pay for*
 5 *purposes of deductions or contributions for or on behalf of*
 6 *the person to retired pay or a retirement or other annuity*
 7 *under subchapter V of chapter 72 of title 38, United States*
 8 *Code, or under chapter 83 or 84 of title 5, United States*
 9 *Code, as applicable.*

10 *(4) Amounts paid under this subsection shall be de-*
 11 *rived from amounts available for payment of salaries and*
 12 *benefits of judges of the Court.*

13 *(e) CREDITABLE SERVICE.—(1) The service as a judge*
 14 *of the Court under this section of a person who makes an*
 15 *election provided for under subsection (d)(2)(B) shall con-*
 16 *stitute creditable service toward the judge's years of judicial*
 17 *service for purposes of section 7297 of title 38, United States*
 18 *Code, with such service creditable at a rate equal to the*
 19 *rate at which such service would be creditable for such pur-*
 20 *poses if served by a judge of the Court under chapter 72*
 21 *of that title.*

22 *(2) The service as a judge of the Court under this sec-*
 23 *tion of a person paid salary under subsection (d)(1)(B)*
 24 *shall constitute creditable service of the person toward re-*
 25 *tirement under subchapter V of chapter 72 of title 38,*

1 *United States Code, or subchapter III of chapter 83 or sub-*
 2 *chapter II of chapter 84 of title 5, United States Code, as*
 3 *applicable.*

4 (f) *ELIGIBILITY FOR ADDITIONAL SERVICE.*—*The serv-*
 5 *ice of a person as a judge of the Court under this section*
 6 *shall not affect the eligibility of the person for appointment*
 7 *to an additional term or terms on the Court, whether in*
 8 *the position occupied by the person under this section or*
 9 *in another position on the Court.*

10 (g) *TREATMENT OF PARTY MEMBERSHIP.*—*For pur-*
 11 *poses of determining compliance with the last sentence of*
 12 *section 7253(b) of title 38, United States Code, the party*
 13 *membership of a judge serving on the Court under this sec-*
 14 *tion shall not be taken into account.*

15 **SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF**
 16 **UNITED STATES COURT OF APPEALS FOR**
 17 **VETERANS CLAIMS.**

18 (a) *MODIFIED TERMS.*—*Notwithstanding section*
 19 *7253(c) of title 38, United States Code, the term of any*
 20 *judge of the Court who is appointed to a position on the*
 21 *Court that becomes vacant in 2004 shall be 13 years.*

22 (b) *ELIGIBILITY FOR RETIREMENT.*—*(1) For purposes*
 23 *of determining the eligibility to retire under section 7296*
 24 *of title 38, United States Code, of a judge appointed as de-*
 25 *scribed in subsection (a)—*

1 (A) the age and service requirements in the table
 2 in paragraph (2) shall apply to the judge instead of
 3 the age and service requirements in the table in sub-
 4 section (b)(1) of that section that would otherwise
 5 apply to the judge; and

6 (B) the minimum years of service applied to the
 7 judge for eligibility to retire under the first sentence
 8 of subsection (b)(2) of that section shall be 13 years
 9 instead of 15 years.

10 (2) The age and service requirements in this para-
 11 graph are as follows:

<i>The judge has attained age:</i>	<i>And the years of service as a judge are at least</i>
65	13
66	13
67	13
68	12
69	11
70	10

12 **SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPA-**
 13 **RATION INCENTIVES FOR CERTAIN JUDGES**
 14 **ON UNITED STATES COURT OF APPEALS FOR**
 15 **VETERANS CLAIMS.**

16 (a) *TEMPORARY AUTHORITY.*—A voluntary separation
 17 incentive payment may be paid in accordance with this sec-
 18 tion to any judge of the Court described in subsection (c).

19 (b) *AMOUNT OF INCENTIVE PAYMENT.*—The amount of
 20 a voluntary separation incentive payment paid to a judge
 21 under this section shall be \$25,000.

1 (c) *COVERED JUDGES.*—*A voluntary separation incen-*
 2 *tive payment may be paid under this section to any judge*
 3 *of the Court who—*

4 (1) *meets the age and service requirements for re-*
 5 *irement set forth in section 7296(b)(1) of title 38,*
 6 *United States Code, as of the date on which the judge*
 7 *retires from the Court;*

8 (2) *submits a notice of an intent to retire in ac-*
 9 *cordance with subsection (d); and*

10 (3) *retires from the Court under that section not*
 11 *later than 30 days after the date on which the judge*
 12 *meets such age and service requirements.*

13 (d) *NOTICE OF INTENT TO RETIRE.*—(1) *A judge of*
 14 *the Court seeking payment of a voluntary separation incen-*
 15 *tive payment under this section shall submit to the Presi-*
 16 *dent and Congress a timely notice of an intent to retire*
 17 *from the Court, together with a request for payment of the*
 18 *voluntary separation incentive payment.*

19 (2) *A notice shall be timely submitted under para-*
 20 *graph (1) only if submitted—*

21 (A) *not later than one year before the date of re-*
 22 *irement of the judge concerned from the Court; or*

23 (B) *in the case of a judge whose retirement from*
 24 *the Court will occur less than one year after the date*

1 *of the enactment of this Act, not later than 30 days*
 2 *after the date of the enactment of this Act.*

3 *(e) DATE OF PAYMENT.—A voluntary separation in-*
 4 *centive payment may be paid to a judge of the Court under*
 5 *this section only upon the retirement of the judge from the*
 6 *Court.*

7 *(f) TREATMENT OF PAYMENT.—A voluntary separa-*
 8 *tion incentive payment paid to a judge under this section*
 9 *shall not be treated as pay for purposes of contributions*
 10 *for or on behalf of the judge to retired pay or a retirement*
 11 *or other annuity under subchapter V of chapter 72 of title*
 12 *38, United States Code.*

13 *(g) ELIGIBILITY FOR TEMPORARY SERVICE ON*
 14 *COURT.—A judge seeking payment of a voluntary separa-*
 15 *tion incentive payment under this section may serve on the*
 16 *Court under section 401 if eligible for such service under*
 17 *that section.*

18 *(h) SOURCE OF PAYMENTS.—Amounts for voluntary*
 19 *separation incentive payments under this section shall be*
 20 *derived from amounts available for payment of salaries and*
 21 *benefits of judges of the Court.*

22 *(i) EXPIRATION OF AUTHORITY.—A voluntary separa-*
 23 *tion incentive payment may not be paid under this section*
 24 *to a judge who retires from the Court after December 31,*
 25 *2002.*

1 **SEC. 404. DEFINITION.**

- 2 *In this title, the term “Court” means the United States*
3 *Court of Appeals for Veterans Claims.*

Amend the title so as to read: “A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.”.